

Alison K. Hurley, State Bar No. 234042
ahurley@bremerwhyte.com
Tiffany L. Bacon, State Bar No. 292426
tbacon@bremerwhyte.com
BREMER WHYTE BROWN & O'MEARA LLP
20320 S.W. Birch Street
Second Floor
Newport Beach, California 92660
Telephone: (949) 221-1000
Facsimile: (949) 221-1001

Attorneys for Defendants,
FRANK FERRARA and CHARLIE FERRARA

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

CORY SPENCER, an individual; DIANA
MILENA REED, an individual; and
COASTAL PROTECTION RANGERS,
INC., a California non-profit public
benefit corporation,

Plaintiff,

vs.

LUNADA BAY BOYS; THE
INDIVIDUAL MEMBERS OF THE
LUNADA BAY BOYS, including but not
limited to SANG LEE, BRANT
BLAKEMAN, ALAN JOHNSTON AKA
JALIAN JOHNSTON, MICHAEL RAE
PAPAYANS, ANGELO FERRARA,
FRANK FERRARA, CHARLIE
FERRARA; CITY OF PALOS VERDES
ESTATES; CHIEF OF POLICE JEFF
KEPLEY, in his representative capacity;
and DOES 1-10,

Defendants.

Case No. 2:16-cv-2129

Judge: Hon. S. James Otero
Dept: Courtroom 10C

Magistrate Judge:
Hon. Rozella A. Oliver

**DECLARATION OF TIFFANY
BACON IN SUPPORT OF FRANK
FERRARA'S MOTION FOR
SUMMARY JUDGMENT OR, IN
THE ALTERNATIVE, PARTIAL
SUMMARY JUDGMENT**

*[Filed concurrently with Notice of
Motion; Memorandum of Points and
Authorities; Request for Judicial
Notice of Adjudicative Facts; Notices
of Lodging; proposed Statement of
Uncontroverted Facts and Conclusions
of Law and [Proposed] Judgment
lodged herewith]*

Date: August 21, 2017
Time: 10:00 a.m.
Dept: Courtroom 10C

Complaint Filed: March 29, 2016
Trial Date: November 7, 2017

1 I, Tiffany Bacon, declare as follows:

2 1. I am an attorney at law duly licensed to practice before the United States
3 District Court for the Central District of California and am an associate with the law
4 firm of Bremer Whyte Brown & O'Meara LLP, counsel of record for Defendant
5 FRANK FERRARA (hereinafter "Frank Ferrara" or "Defendant") in this action.
6 Except for those facts stated upon information and belief, I have personal knowledge
7 of the facts set forth in this declaration and, if called as a witness, could and would
8 competently testify to such facts under oath.

9 2. This declaration is made in support of Frank Ferrara's Motion for
10 Summary Judgment against Plaintiffs, CORY SPENCER ("Spencer"), DIANA
11 MILENA REED ("Reed") and COASTAL PROTECTION RANGERS, INC.
12 ("CPR") (collectively, "Plaintiffs") or, in the alternative partial summary judgment.

13 3. On July 12, 2017, pursuant to Local Rule 7-3, I had a telephonic
14 conference with Plaintiffs' counsel, Samantha Wolff, Esq.

15 4. A true and correct copy of excerpts from the deposition of Frank Ferrara
16 is attached hereto as **Exhibit L** and incorporated herein by this reference.

17 5. A true and correct copy of the deposition of Plaintiff Spencer is attached
18 hereto as **Exhibit M** and incorporated herein by this reference.

19 6. A true and correct, condensed copy of the deposition of Plaintiff Reed is
20 attached hereto as **Exhibit N** and incorporated herein by this reference.

21 7. A true and correct copy of excerpts from the deposition of Ken Claypool
22 is attached hereto as **Exhibit O** and incorporated herein by this reference.

23 8. A true and correct copy of the Declaration of Jim Russi is attached
24 hereto as **Exhibit P** and incorporated herein by this reference.

25 9. True and correct copies of Plaintiff Spencer's and Plaintiff Reed's
26 responses to Frank Ferrara's discovery requests, as produced by Plaintiffs, are
27 attached hereto as **Exhibit Q** and incorporated herein by this reference.

28

1 10. A true and correct copy of excerpts from the deposition of Charlie
2 Ferrara is attached hereto as **Exhibit R** and incorporated herein by this reference.

3 11. A true and correct copy of excerpts from the deposition of Sang Lee is
4 attached hereto as **Exhibit S** and incorporated herein by this reference.

5 I declare under penalty of perjury under the laws of the United States of
6 America that the foregoing is true and correct.

7 Executed on this 24th day of July 2017, at Newport Beach, California.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28



Tiffany Bacon

Exhibit L

Atkinson-Baker Court Reporters
www.depo.com

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

- - -

CORY SPENCER, AN INDIVIDUAL;)
DIANA MILENA REED, AN)
INDIVIDUAL; AND COASTAL)
PROTECTION RANGERS, INC.,)
A CALIFORNIA NON-PROFIT PUBLIC)
BENEFIT CORPORATION,)
Plaintiffs,)

vs.

No.: 2:16-cv-02129-SJO
(RAOx)

LUNADA BAY BOYS; THE INDIVIDUAL)
MEMBERS OF THE LUNADA BAY BOYS,)
INCLUDING BUT NOT LIMITED TO)
SANG LEE, BRANT BLAKEMAN, ALAN)
JOHNSTON AKA JALIAN JOHNSTON,)
MICHAEL RAE PAPAYANS, ANGELO)
FERRARA, FRANK FERRARA,)
CHARLIE FERRARA, ET AL.,)
Defendants.)

- - - - -

VIDEOTAPED DEPOSITION OF

FRANK FERRARA

IRVINE, CALIFORNIA

JULY 10, 2017

Atkinson-Baker, Inc.
Court Reporters
www.depo.com
(800) 288-3376

REPORTED BY: ANGELIQUE MELODY FERRIO, CSR NO. 6979

FILE NO: AB06A34

UNITED STATES DISTRICT
COURT CENTRAL DISTRICT OF
CALIFORNIA WESTERN DIVISION

- - -

CORY SPENCER, AN INDIVIDUAL;)
DIANA MILENA REED, AN)
INDIVIDUAL; AND COASTAL)
PROTECTION RANGERS, INC.,)
A CALIFORNIA NON-PROFIT PUBLIC)
BENEFIT CORPORATION,)

Plaintiffs,)

vs.)

No.: 2:16-cv-02129-SJO
(RAOx)

LUNADA BAY BOYS; THE INDIVIDUAL)
MEMBERS OF THE LUNADA BAY BOYS,)
INCLUDING BUT NOT LIMITED TO)
SANG LEE, BRANT BLAKEMAN, ALAN)
JOHNSTON AKA JALIAN JOHNSTON,)
MICHAEL RAE PAPAYANS, ANGELO)
FERRARA, FRANK FERRARA,)
CHARLIE FERRARA, ET AL.,)

Defendants.)

- - - - -

Videotaped deposition of FRANK FERRARA, taken
on behalf of the Plaintiffs, at Premier Business Center,
2600 Michelson Drive, Suite 1700, Irvine, California,
92612, commencing at 9:46 a.m., Monday, July 10, 2017,
before ANGELIQUE MELODY FERRIO, CSR No. 6979.

A P P E A R A N C E S

FOR THE PLAINTIFFS:

OTTEN LAW, P.C.
BY: VICTOR J. OTTEN, ESQ.
AND CHRISTINA KIFLOM, Summer Intern
3620 Pacific Coast Highway
Suite 100
Torrance, California 90505

FOR DEFENDANTS FRANK FERRARA AND CHARLIE FERRARA:

BREMER, WHYTE, BROWN & O'MEARA, LLP
BY: TIFFANY BACON, ESQ.
20320 S.W. Birch Street
Second Floor
Newport Beach, California 92660

FOR THE DEFENDANT SANG LEE:

LEWIS, BRISBOIS, BISGAARD & SMITH, LLP
BY: TERA A. LUTZ, ESQ.
633 West 5th Street
Suite 4000
Los Angeles, California 90071

FOR THE DEFENDANTS CITY OF PALOS VERDES
AND CHIEF OF POLICE JEFF KEPLEY:

KUTAK, ROCK, LLP
BY: ANTOINETTE P. HEWITT, ESQ.
5 Park Plaza
Suite 1500
Irvine, California 92614

1 APPEARANCES CONTINUED:

2
3 FOR DEFENDANT SANG LEE:

4 (BY TELEPHONE)
BOOTH, MITCHEL & STRANGE, LLP
5 BY: JACKIE K. VU, ESQ.
707 Wilshire Boulevard
6 Suite 3000
Los Angeles, California 90017
7

8
9 FOR DEFENDANT BRANT BLAKEMAN:

10 (BY TELEPHONE)
BUCHALTER, NEMER, APC
11 BY: ROBERT S. COOPER, ESQ.
1000 Wilshire Boulevard
12 Suite 1500
Los Angeles, California 90017
13

14
15 FOR DEFENDANT MICHAEL RAY PAPAYANS:

16 (BY TELEPHONE)
HAVEN LAW
17 BY: PETER T. HAVEN, ESQ.
1230 Avenue
18 Suite 300
Manhattan Beach, California 90266
19

20
21 FOR THE DEFENDANT N.F.:

22 (BY TELEPHONE)
LAW OFFICES OF MARK C. FIELDS, APC
23 BY: MARK C. FIELDS, ESQ.
333 South Hope Street
24 35th Floor
Los Angeles, California 90071

25 VIDEOGRAPHER: ROBERT ADAMS

INDEX

WITNESS: FRANK FERRARA

EXAMINATION BY:	PAGE
MR. OTTEN	12

EXHIBITS

NUMBER	DESCRIPTION	PAGE
102	Xeroxed Colored Photograph Consisting of one page	44
108	Xeroxed Colored Photograph Consisting of one page	234
113	Xeroxed Colored Photograph Consisting of one page	76
114	Xeroxed Colored Photograph Consisting of one page	88
116	Xeroxed Colored Photograph Consisting of one page	242
119	Xeroxed Colored Photograph Consisting of one page	232
277	Xeroxed Black-And White Photograph Consisting of one page	72

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

EXHIBITS CONTINUED:

278	Plaintiffs' Notice of Deposition of Defendant Frank Ferrara Dated June 15, 2017 Consisting of three pages	20
279	Xeroxed Black-And White Photograph Consisting of one page	68
280	Xeroxed Black-And White Photograph Consisting of one page	75
281	Xeroxed Colored Photograph Consisting of one page	92
282	Los Angeles Times Article Collections Consisting of two pages	117
283	Xeroxed Colored Photograph Consisting of one page	129
284	Xeroxed Colored Photograph Consisting of one page	149
285	Surf Magazine Article Consisting of one page	149
286	Teach The Children Well Don Boller, Long Beach Consisting of one page	169

EXHIBITS CONTINUED:

287	Today's Lesson: Don't Be A Kook Frank Ferrara, Lunada Bay, Calif. Consisting of one page	174
288	Megan Barnes, Daily Breeze Posted 4/7/16, 7:50 p.m. Consisting of two pages	212
289	Xeroxed Colored Photograph Consisting of one page	233
290	Xeroxed Colored Photograph Consisting of one page	237
291	Xeroxed Colored Photograph Consisting of one page	240
292	Xeroxed Colored Photograph Consisting of one page	244
293	Xeroxed Colored Photograph Consisting of one page	245
294	Xeroxed Colored Photograph Consisting of one page	246
295	Xeroxed Colored Photograph Consisting of one page	248
296	Xeroxed Colored Photograph Consisting of one page	249

EXHIBITS CONTINUED:

297	Xeroxed Colored Photograph Consisting of one page	251
298	Xeroxed Colored Photograph Consisting of one page	253
299	Xeroxed Colored Photograph Consisting of one page	254
300	Xeroxed Colored Photograph Consisting of one page	254
301	Xeroxed Colored Photograph Consisting of one page	255
302	Xeroxed Colored Photograph Consisting of one page	257
303	Xeroxed Colored Photograph Consisting of one page	261
304	Xeroxed Colored Photograph Consisting of one page	262
305	Xeroxed Colored Photograph Consisting of one page	265
306	Xeroxed Colored Photograph Consisting of one page	266
307	Xeroxed Colored Photograph Consisting of one page	267

EXHIBITS CONTINUED:

308	Xeroxed Colored Photograph Consisting of one page	267
309	Xeroxed Colored Photograph Consisting of one page	269
310	Xeroxed Colored Photograph Consisting of one page	270
311	Xeroxed Colored Photograph Consisting of one page	271
312	Xeroxed Colored Photograph Consisting of one page	273
313	Xeroxed Colored Photograph Consisting of one page	274

QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER:

PAGE	LINE
230	15
232	7
232	16

1 IRVINE, CALIFORNIA, MONDAY, JULY 10, 2017

2 9:46 A.M.

3 -000-

4 09:46:23

5 THE VIDEOGRAPHER: Good morning, everyone.

09:46:23

6 My name is Robert Adams. I'm your videographer. And

09:46:24

7 I represent Atkinson-Baker, Incorporated in Glendale,

09:46:27

8 California.

09:46:31

9 I'm not financially interested in this action

09:46:31

10 nor am I a relative or employee of any attorney or

09:46:33

11 any of the parties.

09:46:36

12 Today's date is July 10th, 2017. And the

09:46:37

13 time is 9:46 a.m.

09:46:40

14 And this deposition is taking place at

09:46:43

15 2600 Michelson Drive, Suite 1700, Irvine, California,

09:46:48

16 92612.

09:46:55

17 This is case number 2:16-cv-02129-SJO (RAOx)

09:46:55

18 entitled Spencer versus Lunada Bay Boys. The

09:47:05

19 deponent is Frank Ferrara.

09:47:08

20 This deposition is being taken on behalf

09:47:11

21 of the Plaintiffs. And the court reporter is

09:47:14

22 Angelique Ferrio from Atkinson-Baker.

09:47:16

23 Counsel will now please introduce themselves.

09:47:18

24 After all counsel present have introduced themselves,

09:47:20

25 the witness will be sworn in by the court reporter.

09:47:22

1 This is the beginning of D.V.D. Number One, 09:47:25
2 Volume One. The D.V.D. is running and we are now on 09:47:27
3 the record. 09:47:30

4 MR. OTTEN: My name is Vic Otten. And I 09:47:30
5 represent the Plaintiffs. 09:47:33

6 MS. HEWITT: Antoinette Hewitt for the City 09:47:34
7 and for the Chief Kepley. 09:47:38

8 MS. LUTZ: Tera Lutz for the Defendant 09:47:39
9 Sang Lee. 09:47:41

10 MS. BACON: Tiffany Bacon for Defendants 09:47:41
11 Frank Ferrara and Charlie Ferrara. 09:47:44

12 MR. HAVEN: Peter Haven for Defendant 09:47:47
13 Michael Papayans. 09:47:52

14 MR. COOPER: Robert Cooper of Buchalter for 09:47:55
15 Defendant Brant Blakeman. 09:48:01

16 MS. VU: Jackie Vu for the Defendant 09:48:03
17 Sang Lee. 09:48:06

18 MR. FIELDS: Mark Fields for Defendant 09:48:06
19 Angelo Ferrara and N.F. 09:48:08

20
21 FRANK FERRARA,
22 having first been duly sworn, was
23 examined and testified as follows:
24
25

EXAMINATION

BY MR. OTTEN:

Q. Can you state your full name for the record,
please.

A. Frank Ferrara.

Q. Do you have a middle name?

A. I don't use it.

Q. But do you have one?

A. I have one.

Q. What is it?

A. Joseph.

Q. Joseph?

A. Yes.

Q. Mr. Ferrara, have you ever had your
deposition taken before?

A. Yes, I have.

Q. On how many occasions?

A. Once.

Q. How long ago was that?

A. Probably about ten years ago.

Q. And just without getting into too much
detail, what was the nature of it; was it a civil
case?

A. It was an insurance case which they, I guess,

1 Any administrative type of actions, for 09:57:47
2 example, labor board hearings or anything like that 09:57:51
3 that you've been involved with? 09:57:54

4 A. No. 09:57:56

5 Q. Okay. Have you ever been convicted of a 09:57:56
6 felony or anything like that? 09:58:09

7 A. No. 09:58:11

8 Q. Okay. Where were you born? 09:58:11

9 A. Glendale, California. 09:58:15

10 Q. And what's your date of birth? 09:58:16

11 A. October 21, 1956. 09:58:18

12 Q. Did you go to P.V. High School? 09:58:26

13 A. Yes, I did. 09:58:29

14 Q. What year did you graduate? 09:58:29

15 A. 1974. 09:58:31

16 Q. If I recall correctly, your mother is still 09:58:32
17 alive? 09:58:44

18 A. Yes. 09:58:44

19 Q. And what's your mother's name? 09:58:44

20 A. Ramona. 09:58:47

21 Q. And your father passed away? 09:58:48

22 A. Yes. 09:58:51

23 Q. And you have a brother Angelo; is that 09:58:51
24 correct? 09:58:55

25 A. Yes. 09:58:55

1	Q. And a sister?	09:58:55
2	A. Yes.	09:59:01
3	Q. What's your sister's name?	09:59:01
4	A. Phyllis.	09:59:03
5	Q. What's her last name?	09:59:04
6	A. Benner, B-e-n-n-e-r.	09:59:07
7	Q. Does she have kids?	09:59:14
8	A. Yes.	09:59:15
9	Q. How many?	09:59:16
10	A. Two.	09:59:17
11	Q. And what are their names?	09:59:18
12	A. Richie and Ramona.	09:59:19
13	Q. Okay. Does Richie surf Lunada Bay?	09:59:23
14	A. Yes.	09:59:28
15	Q. Do they call him Benner?	09:59:28
16	A. They call him --	09:59:32
17	MS. BACON: Calls for speculation.	09:59:32
18	BY MR. OTTEN:	09:59:33
19	Q. If you know?	09:59:34
20	A. I don't.	09:59:35
21	Q. How about your kids, you have children; is	09:59:36
22	that correct?	09:59:44
23	A. Yes.	09:59:44
24	Q. How many?	09:59:44
25	A. Three.	09:59:45

1	Q. And can I get their names?	09:59:45
2	A. Sure, Charlie.	09:59:47
3	Q. Okay.	09:59:48
4	A. Salvatore.	09:59:49
5	Q. Okay.	09:59:53
6	A. And Filippa, F-i-l-i-p-p-a.	09:59:53
7	Q. How old is Filippa?	09:59:59
8	A. She's 24.	10:00:04
9	Q. Is she married to John Amundson?	10:00:05
10	A. No. She's married to John Amundson's son,	10:00:11
11	Josh.	10:00:16
12	Q. That makes more sense.	10:00:17
13	A. Yeah. John is one of my friends.	10:00:19
14	Q. How long have you known John?	10:00:21
15	A. I've known John probably 25 years.	10:00:23
16	Q. He used to be really into kite boarding from	10:00:25
17	what I remember back --	10:00:31
18	A. Yeah, he still is. He's a pro kiter,	10:00:32
19	A-m-u-n-d-s-o-n.	10:00:42
20	Q. Do you know a guy named Alex Kiss or	10:00:42
21	something like that?	10:00:48
22	He's a kite boarder, too, and he's from P.V.,	10:00:48
23	I'm just curious if you guys --	10:00:52
24	A. No.	10:00:54
25	Q. Okay. So, how long have they been married?	10:00:54

1	talk?	15:36:01
2	A. By phone.	15:36:01
3	Q. And how long did the telephone conversation	15:36:02
4	last?	15:36:04
5	A. Probably 20 minutes, 20 to 30 minutes.	15:36:04
6	Q. Okay. Let's go through this a little bit and	15:36:07
7	find out what you think she got wrong.	15:36:10
8	A. (Witness Nods).	15:36:14
9	Q. So, if you go down to the third paragraph, he	15:36:16
10	said he has never been near Corey Spencer and Diana	15:36:25
11	Reed, the surfers who filed the lawsuit in Federal	15:36:29
12	Court last week against eight alleged members of the	15:36:32
13	Bay Boys, the City of Palos Verdes Estates and Police	15:36:39
14	Chief Jeff Kepley; is that true?	15:36:41
15	A. Is what true?	15:36:44
16	Q. Just that you have never been near Corey or	15:36:45
17	Diana?	15:36:48
18	A. That's true.	15:36:48
19	Q. Okay.	15:36:50
20	A. I've never known them, met them or you.	15:36:55
21	Q. Then go down to where, go down one, two,	15:37:03
22	three, four, five, six, seven, eight where it says,	15:37:11
23	Ferrara said many residents of the Hill surf Lunada	15:37:16
24	Bay's ideal winter break, but that no one even uses	15:37:21
25	the term Bay Boy; is that accurate --	15:37:24

1	BY MR. OTTEN:	17:03:58
2	Q. Okay.	17:03:59
3	A. I know they're family, maybe not. I see them	17:04:01
4	surfing the left. I think I've seen them surf the	17:04:04
5	Bay a couple of times, but he likes mostly surfing	17:04:09
6	the left.	17:04:12
7	Q. Okay. And do the other brothers that you	17:04:13
8	said surf?	17:04:16
9	A. They don't surf, but they're baseball	17:04:17
10	players.	17:04:19
11	Q. Give me a couple of minutes to look at my	17:04:28
12	notes. And I think that we're probably done --	17:04:31
13	actually, not.	17:04:38
14	Let me refresh your recollection. This	17:04:54
15	lawsuit was filed, I think, March 29, 2016.	17:04:57
16	Do you recall a telephone conversation that	17:05:04
17	you had with Sang Lee on that day?	17:05:06
18	A. I don't know if it was that day, but we had a	17:05:09
19	couple of phone conversations.	17:05:12
20	Q. Let's talk about the first one which I'm	17:05:14
21	going to represent to you from Sang's phone records	17:05:18
22	that there was a conversation with you and a lot of	17:05:23
23	people, actually, on March 30th, right around that	17:05:27
24	time frame.	17:05:31
25	Do you remember what you talked about?	17:05:32

1 A. I think that we just talked a little bit 17:05:33
2 about the case a little bit, but I don't remember 17:05:37
3 exactly what we said to each other. 17:05:40

4 Q. And have you ever spoken with Sang before 17:05:41
5 that -- 17:05:49

6 A. Yes. 17:05:49

7 Q. -- by telephone? 17:05:50

8 A. Yeah. We've talked and texted. I tried to 17:05:51
9 help his mom out and buy a car for them. 17:05:54

10 Actually, from them, I was buying a car from 17:06:12
11 them. 17:06:16

12 Q. And do you recall having another conversation 17:06:16
13 with him in July, just on the phone? 17:06:18

14 A. I believe we did because he was asking me if 17:06:25
15 I had been served or not. And I said that I wasn't 17:06:29
16 served. 17:06:32

17 Q. Anything else that you guys? 17:06:33

18 A. No. 17:06:35

19 Q. Other than Sang Lee, what other Defendants 17:06:35
20 have you discussed the lawsuit with? 17:06:38

21 A. None. 17:06:40

22 Q. None? 17:06:43

23 A. None. 17:06:43

24 Q. Okay. So, do you know if Charlie spoke to 17:06:44
25 Sang? 17:06:50

(Whereupon, the deposition of
FRANK FERRARA commenced at
9:46 a.m. and concluded at
5:16 p.m.)

1 STATE OF CALIFORNIA)
2)
3 COUNTY OF LOS ANGELES)
4
5

6 I, the undersigned, declare under penalty of
7 perjury that I have read the foregoing transcript, and I
8 have made any corrections, additions, or deletions that
9 I was desirous of making; that the foregoing is a true
10 and correct transcript of my testimony contained
11 therein.
12

13 EXECUTED this _____ day of _____,
14 20_____, at _____, _____.
15 (City) (State)
16
17
18
19

20 _____
FRANK FERRARA
21
22
23
24
25

REPORTER'S CERTIFICATE

I, ANGELIQUE MELODY FERRIO, C.S.R. NO. 6979, a
Certified Shorthand Reporter, certify:

That the foregoing proceedings were taken
before me at the time and place therein set forth, at
which time the witness was put under oath by me;

That the testimony of the witness and all
objections made at the time of the examination were
recorded stenographically by me and were thereafter
transcribed;

That the foregoing is a true and correct
transcript of my shorthand notes so taken.

I further certify that I am not a relative or
employee of any attorney or of any of the parties, nor
financially interested in the action.

I declare under penalty of perjury under the
law of the State of California that the foregoing is
true and correct.

Dated this 10th day of July, 2017.

Angelique Melody Ferrio
CSR No. 6979

1 REPORTER'S CERTIFICATION OF CERTIFIED COPY

2
3
4 I, ANGELIQUE MELODY FERRIO, CSR No. 6979, a
5 Certified Shorthand Reporter in the State of California,
6 certify that the foregoing pages are a true and correct
7 copy of the original deposition of FRANK FERRARA, taken
8 on Monday, July 10, 2017.

9 I declare under penalty of perjury under the
10 laws of the State of California that the foregoing is
11 true and correct.

12 Dated this 10th day of July, 2017.

13
14
15
16
17
18 _____
19 Angelique Melody Ferrio
20 CSR No. 6979
21
22
23
24
25

Frank Ferrara
July 10, 2017

Exhibit M

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

CORY SPENCER, an individual;) Case No.
DIANA MILENA REED, an) 2:16-cv-02129-SJO-RAO
individual; and COASTAL)
PROTECTION RANGERS, INC., a)
California non-profit public)
benefit corporation,)

Plaintiffs,)

v.)

LUNADA BAY BOYS; THE)
INDIVIDUAL MEMBERS OF THE)
LUNADA BAY BOYS, including)
but not limited to SANG LEE,)
BRANT BLAKEMAN, ALAN JOHNSTON)
aka JALIAN JOHNSTON, MICHAEL)
RAE PAPAYANS, ANGELO FERRARA,)
FRANK FERRARA, CHARLIE)
FERRARA and N.F.; CITY OF)
PALOS VERDES ESTATES;)
CHIEF OF POLICE JEFF KEPLEY,)
in his representative)
capacity; and DOES 1-10,)

Defendants.)

DEPOSITION OF CORY ELTON SPENCER
Los Angeles, California
Tuesday, October 11, 2016

Reported by:
Carmen R. Sanchez
CSR No. 5060

<p>1 UNITED STATES DISTRICT COURT 2 CENTRAL DISTRICT OF CALIFORNIA 3 WESTERN DIVISION 4 5 CORY SPENCER, an individual;) Case No. 6 DIANA MILENA REED, an) 2:16-cv-02129-SJO-RAO 7 individual; and COASTAL) 8 PROTECTION RANGERS, INC., a) 9 California non-profit public) 10 benefit corporation,) 11) 12 Plaintiffs,) 13) 14 v.) 15) 16) 17 LUNADA BAY BOYS; THE) 18 INDIVIDUAL MEMBERS OF THE) 19 LUNADA BAY BOYS, including) 20 but not limited to SANG LEE,) 21 BRANT BLAKEMAN, ALAN JOHNSTON) 22 aka JALIAN JOHNSTON, MICHAEL) 23 RAE PAPAYANS, ANGELO FERRARA,) 24 FRANK FERRARA, CHARLIE) 25 FERRARA and N.F.; CITY OF) PALOS VERDES ESTATES;) CHIEF OF POLICE JEFF KEPLEY,) in his representative) capacity; and DOES 1-10,)) Defendants.)))) Deposition of CORY ELTON SPENCER, taken on behalf of defendants, at 777 South Figueroa Street, Suite 4550, Los Angeles, California, beginning at 10:01 a.m. and ending at 6:35 p.m., on Tuesday, October 11, 2016, before Carmen R. Sanchez, Certified Shorthand Reporter No. 5060.</p>	<p>1 APPEARANCES (CONTINUED): 2 For the Defendants City of Palos Verdes Estates and Chief of Police Jeff Kepley: 3 KUTAK ROCK LLP 4 BY: ANTOINETTE P. HEWITT, ESQ. 5 5 Park Plaza 6 Suite 1500 7 Irvine, California 92614-8595 8 Telephone: (949) 417-0999 9 Facsimile: (949) 417-5394 10 E-mail: Antoinette.Hewitt@KutakRock.com 11 For the Defendant Brant Blakeman: 12 VEATCH CARLSON, LLP 13 BY: JOHN P. WORGUL, ESQ. 14 1055 Wilshire Boulevard 15 Eleventh Floor 16 Los Angeles, California 90017 17 Telephone: (213) 381-2861 18 Facsimile: (213) 383-6370 19 E-mail: jworgul@veatchfirm.com 20 For the Defendant Michael Rae Papayans: 21 HAVEN LAW 22 BY: PETER T. HAVEN, ESQ. 23 1230 Rosecrans Avenue 24 Suite 300 25 Manhattan Beach, California 90266 Telephone: (310) 272-5353 Facsimile: (213) 477-2137 E-mail: peter@havenlaw.com For the Defendant Sang Lee: LEWIS BRISBOIS BISGAARD & SMITH LLP BY: TERA A. LUTZ, ESQ. 633 West 5th Street Suite 4000 Los Angeles, California 90071 Telephone: (213) 250-1800 Facsimile: (213) 250-7900 E-mail: Tera.Lutz@lewisbrisbois.com Continued</p>
<p>1 APPEARANCES: 2 For the Plaintiffs: 3 HANSON BRIDGETT LLP 4 BY: KURT A. FRANKLIN, ESQ. 5 425 Market Street 6 Twenty-sixth Floor 7 San Francisco, California 94105 8 Telephone: (415) 777-3200 9 Facsimile: (415) 541-9366 10 E-mail: kfranklin@hansonbridgett.com 11 12 HANSON BRIDGETT LLP 13 BY: TYSON M. SHOWER, ESQ. 14 LANDON D. BAILEY, ESQ. 15 500 Capitol Mall 16 Suite 1500 17 Sacramento, California 95814 18 Telephone: (916) 442-3333 19 Facsimile: (916) 442-2348 20 E-mail: tshower@hansonbridgett.com 21 lbailey@hansonbridgett.com 22 (NOT PRESENT) 23 24 OTTEN LAW PC 25 BY: VICTOR OTTEN, ESQ. 3620 Pacific Coast Highway Suite 100 Torrance, California 90505 Telephone: (310) 378-8533 Facsimile: (310) 347-4225 E-mail: vic@ottenlawpc.com (TELEPHONIC APPEARANCE) Continued</p>	<p>1 APPEARANCES (CONTINUED): 2 For the Defendant Sang Lee: 3 BOOTH, MITCHEL & STRANGE 4 BY: DANIEL M. CROWLEY, ESQ. 5 707 Wilshire Boulevard 6 Suite 4450 7 Los Angeles, California 90017 8 Telephone: (213) 738-0100 9 Facsimile: (213) 380-3308 10 E-mail: dmcrowley@boothmitchel.com 11 12 For the Defendants Angelo Ferrara; N.F. 13 appearing through [Proposed] Guardian Ad Litem, 14 Leonora Ferrara Attorney for Petitioner: 15 16 LAW OFFICES OF MARK C. FIELDS, APC 17 BY: MARK C. FIELDS, ESQ. 18 333 South Hope Street 19 Thirty-fifth Floor 20 Los Angeles, California 90071 21 Telephone: (213) 617-5225 22 Facsimile: (213) 629-4520 23 E-mail: fields@markfieldslaw.com 24 (TELEPHONIC APPEARANCE AND PERSONAL APPEARANCE) 25 26 For the Defendants Frank Ferrara and Charlie Ferrara: 27 28 BREMER WHYTE BROWN & O'MEARA 29 BY: LAURA L. BELL, ESQ. 30 21271 Burbank Boulevard 31 Suite 110 32 Woodland Hills, California 91367 33 Telephone: (818) 712-9800 34 Facsimile: (818) 712-9900 35 E-mail: lbell@bremerwhyte.com 36 (TELEPHONIC APPEARANCE) Continued</p>

<p>1 APPEARANCES (CONTINUED):</p> <p>2 For the Defendant Brant Blakeman:</p> <p>3 BUCHALTER NEMER, APC</p> <p>4 BY: ROBERT S. COOPER, ESQ.</p> <p>5 1000 Wilshire Boulevard</p> <p>6 Suite 1500</p> <p>7 Los Angeles, California 90017</p> <p>8 Telephone: (213) 891-5230</p> <p>9 Facsimile: (213) 896-0400</p> <p>10 E-mail: rcooper@buchalter.com</p> <p>11 (TELEPHONIC APPEARANCE)</p> <p>12 For the Defendant Angelo Ferrara:</p> <p>13 THE PHILLIPS FIRM</p> <p>14 BY: MATTHEW E. VOSS, ESQ.</p> <p>15 800 Wilshire Boulevard</p> <p>16 Suite 1550</p> <p>17 Los Angeles, California 90017</p> <p>18 Telephone: (213) 244-9913</p> <p>19 Facsimile: (213) 244-9915</p> <p>20 E-mail: mvoss@thephillipsfirm.com</p> <p>21 (TELEPHONIC APPEARANCE)</p> <p>22 For the Defendant Alan Johnston aka Jalian Johnston:</p> <p>23 LAW OFFICES OF J. PATRICK CAREY</p> <p>24 BY: J. PATRICK CAREY, ESQ.</p> <p>25 1230 Rosecrans Avenue</p> <p>Suite 300</p> <p>Manhattan Beach, California 90266</p> <p>Telephone: (310) 526-2237</p> <p>Facsimile: (310) 526-2237</p> <p>E-mail: pat@patrickcareylaw.com</p> <p>(NOT PRESENT)</p> <p>Page 6</p>	<p>1 I N D E X (CONTINUED)</p> <p>2</p> <p>3 E X H I B I T S</p> <p>4 Defendants' Page Page</p> <p>Exhibit Description Introduced Marked</p> <p>5</p> <p>Exhibit 42 Copy of an E-mail</p> <p>6 dated March 05,</p> <p>7 2016, from</p> <p>8 Jeff Kepley to</p> <p>9 Mark Velez;</p> <p>10 Bates-stamped</p> <p>11 CITY1807 158 158</p> <p>12</p> <p>Exhibit 43 Color copy of a</p> <p>13 photograph</p> <p>14 taken at the</p> <p>15 deposition of</p> <p>16 Cory Eldon</p> <p>17 Spencer depicting</p> <p>18 his hand and scar 306 306</p> <p>19</p> <p>Exhibit 44 Copy of a drawing</p> <p>20 made on yellow</p> <p>21 legal pad paper</p> <p>22 by Mr. Worgul</p> <p>23 during the</p> <p>24 deposition of</p> <p>25 Cory Eldon</p> <p>Spencer 334 334</p> <p>Continued</p> <p>Page 8</p>
<p>1 I N D E X</p> <p>2 WITNESS</p> <p>3 CORY ELTON SPENCER</p> <p>4 Examination by: Page</p> <p>5 MS. HEWITT 11, 305, 337</p> <p>6 MR. FIELDS 217</p> <p>7 MR. WORGUL 222, 306, 326, 343, 345</p> <p>8 MS. LUTZ 306</p> <p>9 MR. HAVEN 321, 336, 343</p> <p>10 MR. FRANKLIN 344</p> <p>11</p> <p>12 E X H I B I T S</p> <p>13 Defendants' Page Page</p> <p>Exhibit Description Introduced Marked</p> <p>14</p> <p>Exhibit 40 Copy of a document</p> <p>15 entitled, "DEFENDANTS</p> <p>16 CITY OF PALOS VERDES</p> <p>17 ESTATES AND CHIEF</p> <p>18 OF POLICE JEFF</p> <p>19 KEPLY'S NOTICE OF</p> <p>20 DEPOSITION TO</p> <p>21 PLAINTIFF CORY</p> <p>22 SPENCER" 21 21</p> <p>23</p> <p>Exhibit 41 Copy of a document</p> <p>24 entitled, "CLASS</p> <p>25 ACTION COMPLAINT</p> <p>AND JURY DEMAND" 29 29</p> <p>Continued</p> <p>Page 7</p>	<p>1 I N D E X (CONTINUED)</p> <p>2</p> <p>3 (The following exhibit was previously</p> <p>4 marked in a prior deposition and is attached</p> <p>5 herewith for reference purposes):</p> <p>6</p> <p>7 E X H I B I T S</p> <p>8 Defendants' First Page</p> <p>Exhibit Description Referenced</p> <p>9</p> <p>Exhibit 34 Copy of a document</p> <p>10 entitled,</p> <p>11 "PLAINTIFFS'</p> <p>12 SUPPLEMENTAL</p> <p>13 DISCLOSURES" 205</p> <p>14</p> <p>15 QUESTIONS THE WITNESS WAS INSTRUCTED NOT TO ANSWER</p> <p>16 PAGE: LINE:</p> <p>17 32 25</p> <p>18 33 20</p> <p>19 135 20</p> <p>20 223 10</p> <p>21 273 7</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 9</p>

<p>1 Los Angeles, California</p> <p>2 Tuesday, October 11, 2016, 10:01 a.m. - 6:35 p.m.</p> <p>3</p> <p>4 THE REPORTER: Pursuant to the Federal Rules of</p> <p>5 Civil Procedure, I am required to state the following:</p> <p>6 My name is Carmen R. Sanchez, a</p> <p>7 certified court reporter with Hahn & Bowersock, A</p> <p>8 Veritext Company, located at 20 Corporate Park,</p> <p>9 Suite 350, Irvine, California.</p> <p>10 This is the deposition of</p> <p>11 Cory Eldon Spencer, in the matter of Cory Spencer,</p> <p>12 et al., vs. Lunada Bay Boys, et al., beginning at</p> <p>13 10:01 a.m., on Tuesday, October 11, 2016.</p> <p>14 Counsel, will you please state your</p> <p>15 appearances for the record.</p> <p>16 MS. HEWITT: Antoinette Hewitt for the city.</p> <p>17 MR. WORGUL: John Worgul for defendant</p> <p>18 Brant Blakeman.</p> <p>19 MR. HAVEN: Peter Haven for defendant</p> <p>20 Michael Papayans.</p> <p>21 MR. CROWLEY: Daniel Crowley with Booth,</p> <p>22 Mitchel & Strange on behalf of Sang Lee.</p> <p>23 MS. LUTZ: Tera Lutz for defendant Sang Lee.</p> <p>24 MR. COOPER: Robert S. Cooper, Buchalter Nemer</p> <p>25 for defendant Brant Blakeman telephonically.</p> <p style="text-align: right;">Page 10</p>	<p>1 Q On how many occasions?</p> <p>2 A I believe just one.</p> <p>3 Q All right. And was that a civil matter?</p> <p>4 A I believe it was civil traffic.</p> <p>5 Q Okay.</p> <p>6 In what capacity did you testify?</p> <p>7 A Police officer.</p> <p>8 Q Okay.</p> <p>9 Was it a traffic ticket? Someone</p> <p>10 fighting a traffic ticket, something like that?</p> <p>11 A I don't recall specifically. I don't</p> <p>12 recall. It wasn't -- I think I was just a witness.</p> <p>13 Q Okay.</p> <p>14 Have you ever testified in trial?</p> <p>15 A Yes.</p> <p>16 Q On how many occasions?</p> <p>17 A I couldn't give you a number.</p> <p>18 Q All right. And was that -- were those,</p> <p>19 also, in the capacity as a police officer?</p> <p>20 A Yes.</p> <p>21 Q Okay.</p> <p>22 Have you ever testified in trial in</p> <p>23 another capacity, such as, as a party?</p> <p>24 A I don't believe so.</p> <p>25 Q Okay.</p> <p style="text-align: right;">Page 12</p>
<p>1 MR. FIELDS: Mark Fields for Angelo Ferrara and</p> <p>2 N.F. telephonically.</p> <p>3 MS. BELL: Laura Bell for Frank Ferrara and</p> <p>4 Charlie Ferrara appearing telephonically.</p> <p>5 MR. FRANKLIN: Kurt Franklin on behalf of</p> <p>6 Mr. Spencer and the other plaintiffs in this matter.</p> <p>7 And if I can, just as a matter of housekeeping, the</p> <p>8 plaintiffs would request under FRCP 30, the ability to</p> <p>9 review the transcript within 30 days.</p> <p>10</p> <p>11 CORY ELDON SPENCER,</p> <p>12 called as a witness by and on behalf of the</p> <p>13 defendants, and having been first duly sworn</p> <p>14 by the Certified Shorthand Reporter, was examined and</p> <p>15 testified as follows:</p> <p>16</p> <p>17 EXAMINATION</p> <p>18 BY MS. HEWITT:</p> <p>19 Q Would you please state and spell your</p> <p>20 name for the record.</p> <p>21 A Cory Spencer.</p> <p>22 This is a microphone? Cory Spencer, C-o</p> <p>23 -- Cory Eldon Spencer, C-o-r-y E-l-d-o-n S-p-e-n-c-e-r.</p> <p>24 Q Have you ever given a deposition before?</p> <p>25 A I have.</p> <p style="text-align: right;">Page 11</p>	<p>1 We'll just quickly go over some of the</p> <p>2 admonitions in this case. Today, as you see, the court</p> <p>3 reporter is taking down everything you say. It's very</p> <p>4 important, because she's trying to take down everything</p> <p>5 you say, that we not talk over each other; so, I'll do</p> <p>6 my best to make sure that you finish your answers</p> <p>7 completely before I ask another question, and I'll ask</p> <p>8 that you let me finish my question before you start to</p> <p>9 answer.</p> <p>10 Also, because sometimes I talk kind of</p> <p>11 fast, please feel free to tell me to restate or</p> <p>12 rephrase a question if you do not understand it or hear</p> <p>13 it; all right?</p> <p>14 A I will.</p> <p>15 Q All right.</p> <p>16 Please make sure all your answers are</p> <p>17 verbal. You're doing a great job of that right now.</p> <p>18 The court reporter can't interpret shakes of the head</p> <p>19 or nods or such; so, it's very important that answers</p> <p>20 are verbal, just as you're doing now; all right?</p> <p>21 A Yes.</p> <p>22 Q Okay.</p> <p>23 If during the deposition you want to</p> <p>24 take a break, that's fine. You just let us know. I</p> <p>25 might ask you to make estimates during the deposition.</p> <p style="text-align: right;">Page 13</p>

<p>1 Do you know the difference between an estimate and a 2 guess?</p> <p>3 A An estimate is something that I would 4 estimate. A guess is just a plain guess.</p> <p>5 Q Something you pull out of thin air.</p> <p>6 A I would agree to that.</p> <p>7 Q Okay. All right.</p> <p>8 Today we'll also be talking about events 9 that happened a little while ago; so, I'll be asking 10 you for some of your recollections. I'll ask that if 11 you don't recall something, that you tell me; but if 12 you do have some recollection, that you provide those 13 to me at the time; all right?</p> <p>14 A Yes.</p> <p>15 Q Okay.</p> <p>16 You might hear some of the attorneys 17 here making objections to my question, as well as your 18 counsel, obviously. They're free to state those 19 objections, obviously; but unless your counsel 20 instructs you not to answer, I'm entitled to an answer; 21 all right?</p> <p>22 A Yes.</p> <p>23 Q Okay.</p> <p>24 Have you taken any medication or 25 anything that you believe would affect your ability to</p> <p style="text-align: right;">Page 14</p>	<p>1 A Initial disclosures. That's all I can 2 recall.</p> <p>3 Q Okay.</p> <p>4 Do you remember, approximately, how many 5 documents you reviewed?</p> <p>6 A I do not.</p> <p>7 Q Okay.</p> <p>8 Did you meet with Mr. Franklin or 9 Mr. Otten prior to the deposition today?</p> <p>10 A Yes.</p> <p>11 Q Okay.</p> <p>12 Can you tell me, approximately, for how 13 long you met with them?</p> <p>14 A I cannot.</p> <p>15 Q All right. It's its --</p> <p>16 A It's been several meetings. I can't 17 give you an approximation.</p> <p>18 Q Did you meet with them in preparation 19 specifically for today's deposition?</p> <p>20 A This, as well as other events.</p> <p>21 Q Okay.</p> <p>22 Is it correct then, though, you're not 23 able to estimate for me how long you met with 24 Mr. Franklin in preparation for today's deposition?</p> <p>25 A Again, many meetings. I can't give you</p> <p style="text-align: right;">Page 16</p>
<p>1 give your best testimony here today?</p> <p>2 A No.</p> <p>3 Q All right.</p> <p>4 Mr. Franklin is representing you here 5 today; correct?</p> <p>6 A That's correct.</p> <p>7 Q All right.</p> <p>8 Did you review any documents in 9 preparation for your --</p> <p>10 A I'd like to add.</p> <p>11 Q Sure.</p> <p>12 A Me, as well as the class.</p> <p>13 Q Thank you very much. All right.</p> <p>14 Did you review any documents in 15 preparation for your deposition today?</p> <p>16 A Sure.</p> <p>17 Q All right.</p> <p>18 Did any of those documents refresh your 19 recollection?</p> <p>20 A Yes.</p> <p>21 Q Okay.</p> <p>22 Of those documents that refreshed your 23 recollection, can you describe them to me?</p> <p>24 A Well, I went over the complaint.</p> <p>25 Q Okay. Anything else?</p> <p style="text-align: right;">Page 15</p>	<p>1 an estimation.</p> <p>2 Q Okay.</p> <p>3 Can you give me an estimate of how many 4 meetings?</p> <p>5 A Four to five.</p> <p>6 Q Okay. Okay.</p> <p>7 Other than your attorneys, did you speak 8 with anybody else in preparation for your deposition 9 today?</p> <p>10 A No.</p> <p>11 Q Okay.</p> <p>12 Did you discuss your deposition with 13 anybody other than your attorneys?</p> <p>14 A Yes.</p> <p>15 Q And who would that be?</p> <p>16 A My wife.</p> <p>17 Q Okay.</p> <p>18 A My kids.</p> <p>19 Q Anybody else?</p> <p>20 A That's all I can recall.</p> <p>21 Q Okay.</p> <p>22 Other than review documents and meet 23 with your attorneys, did you do anything else to 24 prepare for your deposition today?</p> <p>25 A Other than review documents and what</p> <p style="text-align: right;">Page 17</p>

<p>1 else?</p> <p>2 Q And meet with your attorneys.</p> <p>3 A In preparation? Just thought about all</p> <p>4 the facts, I guess. Would that be a fair answer?</p> <p>5 Q Sure.</p> <p>6 Did you, for instance, go back and</p> <p>7 review any of the interviews that you have given</p> <p>8 related to the allegations in the complaint?</p> <p>9 A I've watched several news segments that</p> <p>10 I've participated in.</p> <p>11 Q And which ones would those be?</p> <p>12 A It's hard to remember the outlets.</p> <p>13 There was -- and see, again, I could get them wrong,</p> <p>14 but I think there was CNN, ABC, which is Australia --</p> <p>15 Australia Broadcasting Company, and I can't -- I can't</p> <p>16 keep CBS and NBC straight; so, I know there was a</p> <p>17 couple other ones in there.</p> <p>18 Q Okay. So you think it was either CBS or</p> <p>19 NBC?</p> <p>20 A CBS.</p> <p>21 Q Okay.</p> <p>22 A Let's go with that. There was a</p> <p>23 Channel 9 -- there's several.</p> <p>24 Q Did you review any written interviews</p> <p>25 that you had given?</p> <p>Page 18</p>	<p>1 A Surfline is -- it's a forum, I guess,</p> <p>2 where people go on the computer now. It used to be</p> <p>3 1-900-SURF, where you call in to see how the waves</p> <p>4 were, back in my day; and now it's -- you can -- you</p> <p>5 can comment on certain news things in some areas of the</p> <p>6 Web site, and this one happened to be on there, and I</p> <p>7 read comments.</p> <p>8 Q And are there any particular comments</p> <p>9 that you reviewed?</p> <p>10 A I don't remember specific comments. I</p> <p>11 just remember overwhelming support for what was going</p> <p>12 on; so, to pick out comments, specifically what was</p> <p>13 said, I can't tell you.</p> <p>14 Q Okay.</p> <p>15 Do you have any documents at home that</p> <p>16 are related to the case -- to the lawsuit?</p> <p>17 MR. FRANKLIN: Vague and ambiguous.</p> <p>18 THE WITNESS: I do not at home.</p> <p>19 BY MS. HEWITT:</p> <p>20 Q Do you keep such documents anywhere</p> <p>21 else?</p> <p>22 A Currently, the only thing physically</p> <p>23 that I know that I have in my possession is in my car,</p> <p>24 and that would be the complaint, disclosures, and there</p> <p>25 was some form of questions wanting me -- to be answered</p> <p>Page 20</p>
<p>1 A No.</p> <p>2 Q And --</p> <p>3 A Can I ask you to --</p> <p>4 Q Sure.</p> <p>5 A Written by a journalist?</p> <p>6 Q Well, that's a good clarification to</p> <p>7 make. Did you go back and review any articles that</p> <p>8 referenced any interviews you've given?</p> <p>9 A I've read articles written about, yes,</p> <p>10 about the claim -- about the lawsuit, yes.</p> <p>11 Q And which articles would those be?</p> <p>12 A There was multiple L.A. Times articles.</p> <p>13 That's all I can recall right now.</p> <p>14 Q Okay. And was the L.A. Times article</p> <p>15 that you reviewed, was it in print form, or was it</p> <p>16 online?</p> <p>17 A Daily Breeze, print and online.</p> <p>18 Q Did you review any social media postings</p> <p>19 that referenced this case?</p> <p>20 A I read comments on Surfline regarding</p> <p>21 the case. I don't use Facebook. I don't use Twitter.</p> <p>22 I don't know what other social -- I'm not a social</p> <p>23 media guru. All I can recall is reading comments on</p> <p>24 Surfline.</p> <p>25 Q Okay. And what is Surfline?</p> <p>Page 19</p>	<p>1 by me by one of the defendants. I have a couple</p> <p>2 newspapers at a friend's house 'cause he saved some for</p> <p>3 me. I don't save them, but he's very interested in</p> <p>4 keeping those for me. I don't know why. I told him I</p> <p>5 don't really care about them. That's all I can recall.</p> <p>6 Q Okay. And what's the name of your</p> <p>7 friend?</p> <p>8 A That would be Bill Ruane.</p> <p>9 Q Can you spell that, the last name?</p> <p>10 A R-u-a-n-e.</p> <p>11 Q Thank you.</p> <p>12 Okay. We've marked as Exhibit 40 the</p> <p>13 notice of deposition.</p> <p>14 (Defendants' Exhibit 40 was marked for</p> <p>15 identification by the Certified Shorthand Reporter</p> <p>16 and is enclosed herewith.)</p> <p>17 BY MS. HEWITT:</p> <p>18 Q Have you seen that before today?</p> <p>19 A Do you want me to look at this?</p> <p>20 Q Yes, please. Would you look at it, and</p> <p>21 let me know if you've seen it before today.</p> <p>22 A Okay. Give me a minute.</p> <p>23 MS. HEWITT: Do you mind muting your phone,</p> <p>24 whoever is on the phone, please?</p> <p>25 MR. VOSS: Sure, no problem. By the way, this</p> <p>Page 21</p>

<p>1 is Matthew Voss, and we are co-counsel for defendant 2 Angelo Ferrara. 3 MS. HEWITT: Thank you very much. 4 MR. VOSS: You're welcome. 5 THE WITNESS: Okay. Yes, I have seen this. 6 BY MS. HEWITT: 7 Q All right. 8 What is your date of birth? 9 A My date of birth? 10 Q Yes, sir. 11 A 12/13/1971. 12 Q Okay. 13 Have you ever lived in 14 Palos Verdes Estates? 15 A No, I have not. 16 Q Okay. 17 What is the highest level of education 18 you've completed? 19 A I have a bachelor's degree. 20 Q From? 21 A It's called the Union Institute and 22 University. 23 Q Where is that, sir? 24 A Los Angeles, California. 25 Q Did you major in a particular area?</p> <p style="text-align: right;">Page 22</p>	<p>1 Q Oh, no. I'm sorry. Which academy did 2 you attend? 3 A The Los Angeles Police Department, 4 Basic POST Academy. 5 Q Okay. 6 And did you graduate from that academy? 7 A Yes. 8 Q All right. 9 A So, to back up, going to the advanced 10 POST, once you graduate the academy and you're a police 11 officer, you obtain a basic intermediate, and I've 12 obtained an advanced. I forgot to mention the basic 13 and the intermediate. Sorry. 14 Q I appreciate that. 15 And when did you graduate from the 16 L.A.P.D. academy? 17 A I was in Class 1096, so we started in 18 October of '96, and I believe it was a seven-month-long 19 academy. It was a long time ago; so, seven months. I 20 guess that puts us in or around May of 97-ish -- 21 97-ish, referring to, approximately, '97. Sorry. 22 Q Okay. 23 Now, earlier you referenced speaking to 24 your wife. How long have you been married? 25 A Since December of '97.</p> <p style="text-align: right;">Page 24</p>
<p>1 A I did. 2 Q And what was that? 3 A Criminal justice. 4 Q All right. 5 Did you receive any other post-high 6 school degrees? 7 A Degrees? In the form of degrees, no. 8 Q Okay. 9 Have you had any other education? 10 MR. FRANKLIN: Vague and ambiguous. 11 THE WITNESS: I've -- I received an EMT degree 12 or certificate, Firefighter 1 certificate. I have an 13 advanced POST certificate, which is Peace Officer 14 Standard and Training for the abbreviation. 15 At one time, I got a phlebotomy 16 certificate; and that's all I can recall right now. 17 BY MS. HEWITT: 18 Q Okay. I understand that you are a 19 police officer; is that correct, sir? 20 A That's correct. 21 Q And did you attend a particular police 22 academy? 23 A I did. 24 Q And what is that? 25 A What's an academy?</p> <p style="text-align: right;">Page 23</p>	<p>1 Q And what is your wife's name? 2 A Diana Spencer. 3 Q And how many children do you have? 4 A I have one stepchild; two biological; 5 one that didn't make it. 6 Q I'm sorry. 7 And how old are your -- how old is your 8 stepchild? 9 A She's 23. 10 Q Okay. And how old are your other two 11 children? 12 A Sixteen and fifteen. 13 Q Okay. 14 Do you have any grandchildren? 15 A Not yet. 16 Q Are you expecting some? 17 A Not yet. 18 Q Okay. All right. 19 Who is your current employer? 20 A The City of El Segundo, California. 21 Q And what is your position there, sir? 22 A Police officer. 23 Q And how long have you held that position 24 at the City of El Segundo? 25 A Since March 13 of 2000.</p> <p style="text-align: right;">Page 25</p>

<p>1 Q Have you held any other positions at the 2 City of El Segundo? 3 A No. 4 Q Prior to working as a police officer at 5 the City of El Segundo, did you work as a police 6 officer in any other cities? 7 A Los Angeles Police Department. 8 Q And how long did you work there? 9 A Starting in October of '96 to March 10th 10 or 9th of 2000. 11 Q All right. And other than El Segundo or 12 Los Angeles, have you worked as a police officer in any 13 other city? 14 A I've -- I was hired as a reserve officer 15 -- and I cannot give you dates -- by the 16 City of Monterey Park. I was offered -- hired and 17 offered a position with the CIA, but I refused it. 18 That's the only thing in law enforcement that I can 19 recall. 20 Q Okay. 21 Can you describe to me very generally 22 what your duties are as a police officer in the 23 City of El Segundo? 24 MR. FRANKLIN: Vague and ambiguous. 25 THE WITNESS: Generally?</p> <p style="text-align: right;">Page 26</p>	<p>1 never been convicted of a felony? 2 A Yes. 3 Q All right. 4 Have you ever been a party -- excuse me. 5 Have you ever been a party to a civil lawsuit before 6 this one? 7 A I have not. 8 Q Okay. All right. 9 You're -- withdraw the question. 10 When did you first retain Mr. Otten as 11 your attorney? 12 A I have not thought about the dates, and 13 I don't recall. I know I've seen it somewhere. I 14 don't recall. 15 Q Do you know if it was in 2016? 16 A Yes. 17 Q Okay. All right. 18 When did you first retain Mr. Franklin 19 as your attorney? 20 A The same time as Mr. Otten. 21 Q Did you have any prior relationship with 22 Mr. Otten before he became your attorney in this 23 matter? 24 A No. 25 Q All right.</p> <p style="text-align: right;">Page 28</p>
<p>1 MS. HEWITT: Yes. 2 THE WITNESS: Generally, to protect and to 3 serve. 4 BY MS. HEWITT: 5 Q Okay. And, then, specifically, do you 6 have any specific responsibilities that are different 7 than other police officers in El Segundo, to your 8 knowledge? 9 MR. FRANKLIN: Vague and ambiguous. 10 THE WITNESS: Patrol officer. 11 BY MS. HEWITT: 12 Q Do you patrol a particular area? 13 A The City of El Segundo. 14 Q Okay. 15 Particular area in the city? 16 A It changes daily. 17 Q All right. 18 While you've been at the 19 City of El Segundo, have you ever missed any work in 20 the last two years for reasons that you attribute to 21 the defendants' conduct in this matter? 22 MR. FRANKLIN: Vague and ambiguous. 23 THE WITNESS: No. 24 BY MS. HEWITT: 25 Q Okay. Am I correct in assuming you've</p> <p style="text-align: right;">Page 27</p>	<p>1 Same question with regard to 2 Mr. Franklin. 3 A No. 4 Q Prior to retaining Mr. Otten, did you 5 know anybody at his law firm? 6 A No. 7 Q Okay. 8 Same question with regard to 9 Mr. Franklin and his firm. 10 A No. 11 MS. HEWITT: Okay. 12 I'll attach as 41 the complaint in this 13 matter, "CLASS ACTION COMPLAINT AND JURY DEMAND." 14 (Defendants' Exhibit 41 was marked for 15 identification by the Certified Shorthand Reporter 16 and is enclosed herewith.) 17 BY MS. HEWITT: 18 Q All right. I'm going to ask you to just 19 take a quick look at Exhibit 41 and just ask you if you 20 believe you've seen the complaint before? 21 A Yes. 22 Q Okay. 23 You'll see there that you are listed as 24 one of the plaintiffs in this matter here. Do you have 25 an understanding of any responsibilities that you have</p> <p style="text-align: right;">Page 29</p>

<p>1 to members of the class described in the complaint in 2 Exhibit 41? 3 A Yes. 4 Q And what are those? 5 A To monitor progress of the complaint. 6 Q And what do you mean by "monitor 7 progress of the complaint"? 8 A Just keep abreast of, generally, where 9 it's at in proceedings. 10 Q Are you done? 11 A Yeah. 12 Q I'm sorry. I didn't want to interrupt 13 you. 14 And are you doing that? 15 A Yes. 16 Q And how are you doing that? 17 A Staying in contact with my counsel. 18 Q Anything else? 19 A I -- I will hear of such as, you know, 20 the articles that are being printed that were discussed 21 earlier; read those when time permits. 22 Q Do you believe you have an obligation to 23 supervise your lawyers in this matter? 24 A Definitely. 25 Q And do you do that?</p> <p style="text-align: right;">Page 30</p>	<p>1 obligation to supervise your lawyers in this 2 matter? 3 "A Definitely. 4 "Q And do you do that? 5 "A Yes. They're my lawyers. 6 "Q Okay. And how do you do that?") 7 BY MS. HEWITT: 8 Q So can you answer that question without 9 referring to any instructions you've given your 10 attorneys or vice versa? 11 A Instructions? I guess I'm just not 12 following your line of questioning there. Am I 13 supervising my attorneys? Yes. 14 Q Okay. 15 A That's -- I answered yes. 16 Q Yes. 17 A And then your question? 18 Q How do you do that? 19 A Talking with them. 20 Q Okay. 21 MR. FRANKLIN: Objection: calls for 22 attorney-client privilege, and instruct you not to 23 answer. 24 BY MS. HEWITT: 25 Q Other than communicating with your</p> <p style="text-align: right;">Page 32</p>
<p>1 A Yes. They're my lawyers. 2 Q Okay. And how do you do that? 3 MR. FRANKLIN: Objection to extent it calls for 4 attorney-client privilege. If you've given us any 5 instruction, I'd instruct you not to answer. 6 BY MS. HEWITT: 7 Q Separate and apart from anything that 8 you've discussed with your attorneys. 9 A I don't understand. 10 Q Are you able to answer the question 11 without referring to any instruction you've been given 12 by your attorneys in this matter? 13 MR. FRANKLIN: Or instruction you've given us. 14 MS. HEWITT: Oh, yes, of course. 15 THE WITNESS: I'm lost here for a second. 16 MS. HEWITT: Okay. 17 Q Are you able to answer the question 18 without referring to any instructions you've given your 19 attorneys or they've given you? 20 A Repeat the question, please. 21 MS. HEWITT: Sure. 22 Would you read it back, please? 23 (Whereupon, the record was read back 24 by the court reporter as follows: 25 "Q Do you believe you have an</p> <p style="text-align: right;">Page 31</p>	<p>1 attorneys, is there any other way that you monitor and 2 supervise your attorneys? 3 A So, I guess on counsel's advice, I 4 refuse to answer that. 5 Q Okay. So, are you unable to answer that 6 question without referring to attorney-client 7 communications? 8 A Am I not able to -- I'm still not 9 understanding, I guess, where you're going or what 10 you're asking. 11 Q Sure. 12 A I supervise my attorneys, yes. And how 13 do I do that? Well, I talk with them. I make sure the 14 case is still on track with the goals, providing public 15 access to a place that we're not allowed to go surf. I 16 make sure that their intentions are still pure with 17 that and that we're trying to gain public access and 18 stop this culture of bullying, and I make sure they're 19 on board with that. Does that answer your question? 20 Q Okay. What I wanted to know -- 21 A Okay. 22 Q -- is how you do that, and I wanted to 23 know if you can answer the question without referring 24 to any -- anything your attorneys have told you or 25 you've told your attorneys?</p> <p style="text-align: right;">Page 33</p>

1 MR. FRANKLIN: Objection: calls for
2 attorney-client privilege and instruct you not to
3 answer. I don't know how he tells us something without
4 communicating with us.
5 BY MS. HEWITT:
6 Q Well, I wasn't limiting it to
7 communicating with your attorneys. I just wanted to
8 know if there was -- separate and apart from any
9 communications you have with your attorneys, do you do
10 anything else separate, specific things to monitor and
11 supervise your attorneys?
12 A No.
13 Q Okay.
14 Did you review the complaint in
15 Exhibit 41 prior to the time it was filed in court?
16 A As far as I remember, I reviewed drafts,
17 yes.
18 Q Okay.
19 Do you recall about how much time you
20 spent reviewing drafts of the complaint before it was
21 filed in court?
22 A I've read it through, approximately, two
23 -- two or three times.
24 Q Can you estimate for me how much time
25 that took?

Page 34

1 A No, I cannot.
2 Q Do you know?
3 A It varies. You know, with my busy
4 schedule and whatnot, you know, I might pick up where I
5 left off; so, I can't give you an estimation.
6 Q I understand.
7 Do you think it was longer than ten
8 hours?
9 A Could have been. I -- again, it's hard
10 to nail down a time frame.
11 Q Oh, I understand. I'm seeing if we can
12 maybe narrow it down a bit. Do you think it was more
13 than an hour?
14 A More than an hour?
15 Q Yes, sir.
16 A Yes.
17 Q Okay. But you're not sure if it was
18 more than ten hours?
19 A It -- again, I don't know.
20 Q Do you think it was more than two hours?
21 A Yes.
22 Q Okay.
23 Do you think it was more than three
24 hours?
25 A Yes.

Page 35

1 Q Okay.
2 How about more than four hours?
3 A I don't know.
4 Q Okay.
5 A I mean, I'll just have to stop there. I
6 -- it could be anywhere in there.
7 Q Okay.
8 Do you have an estimate of how much time
9 you expect to spend on this lawsuit?
10 A How much that I personally expect to
11 spend on it?
12 Q Yes. How much time?
13 A I have no idea.
14 Q Do you have any understanding of how
15 much time you'll have to spend?
16 MR. FRANKLIN: Objection to the extent it calls
17 for attorney-client privilege.
18 THE WITNESS: I just -- no. I mean, I spend as
19 much time as it takes to make this, you know, a free
20 place to go. I don't know.
21 BY MS. HEWITT:
22 Q Do you have an expectation that you'll
23 spend more than an hour a week on the case?
24 A I don't have any expectations. I'll do
25 what it takes to get it done.

Page 36

1 Q Now, we talked about this a little bit
2 earlier; but, in your understanding, what is this case
3 really about? And let me rephrase that. What is this
4 case about?
5 A It's about public access and not being
6 unwelcome or being not harassed when you go somewhere
7 to enjoy the earth, you know, the ocean. It's about
8 anybody who wants to use that part of the coastline to
9 be able to go use it without being bullied and have
10 their stuff destroyed and be injured. That's what it's
11 about.
12 Q Okay. And just to be clear, I don't
13 want to have to state the obvious, but are we talking
14 about a certain particular area?
15 A We are.
16 Q Okay.
17 What area is that?
18 A The area of Lunada Bay within the
19 Palos Verdes Peninsula in Southern California.
20 Q Okay.
21 What claims are you making against the
22 City of Palos Verdes Estates?
23 A It's -- it's evident in the lawsuit.
24 The city itself --
25 Q Yes, sir.

Page 37

<p>1 A -- has turned a blind eye on what goes 2 on down and above and below the bluff and in the water. 3 They refuse to enforce laws that are already on the 4 books to take care of a problem that's been there for 5 30 to 40 years, almost as long as I've been alive. 6 They're -- you know, they've allowed a non-permitted, 7 non-accessible hangout for a bunch of bullies that 8 drink and possibly use drugs and, you know, vandalize 9 and assault people. They have done little, if 10 anything, to make an appearance to keep that from 11 happening. 12 Q And with regard to your last statement 13 that they've done -- they've done little -- the little 14 to stop that from happening -- I don't want to misstate 15 it. Just with regard to the last thing you said -- 16 A Little, if anything. 17 Q Little, if anything. Is that in the 18 entirety of your experience? What I mean by that is in 19 your experience, the city has acted this way during the 20 entire time that you've interacted with them? 21 A I believe they have. 22 Q Has there ever been a time when you felt 23 the city was acting to address the problem that you've 24 discussed here? 25 MR. FRANKLIN: Vague and ambiguous.</p> <p>Page 38</p>	<p>1 MR. WORGUL: I'm going to object and move to 2 strike as nonresponsive to the question. 3 MS. HEWITT: Can you read back the question? 4 (Whereupon, the record was read back 5 by the court reporter as follows: 6 "Q Has there ever been a time when you 7 felt the city was acting to address the problem 8 that you've discussed here?") 9 BY MS. HEWITT: 10 Q Okay. Other than what you've just 11 discussed, were there any other times where you felt 12 the city was acting to address the problems that you've 13 discussed here today? 14 A That's the only time that I felt the 15 city was proactively going to take care of the problem, 16 yes. 17 Q Okay. And just to be clear, does that 18 include any times when you felt the city was doing 19 anything to address the problems that you've discussed 20 here today? 21 MR. FRANKLIN: Vague and ambiguous. 22 BY MS. HEWITT: 23 Q And just to clarify, I just want to make 24 sure you're answering the question I asked, or that I'm 25 making sure I ask a clear question here.</p> <p>Page 40</p>
<p>1 THE WITNESS: Let me just say this. Around 2 2002 or 2003, somewhere in the early 2000s, I was 3 almost ecstatic when my police chief was looking for 4 volunteers of officers to go surf at Lunada Bay to take 5 care of a problem that supposedly either the police 6 chief or the city at the time wanted to take care of, 7 and I was going to go in the capacity of a police 8 officer; be able to undercover surf in a place that I 9 wanted to surf since I was probably 15 years old and 10 take care of a bullying problem. I thought at that 11 time, hey, these guys are going to do it. You know, 12 this is -- this is going to happen, and I'm going to be 13 a part of it. And that was -- that was exciting to me. 14 Yeah, I was excited. I thought at that time it was 15 going to be taken care of. But, for whatever reason, 16 that undercover operation, or whatever they were 17 planning on doing with us, was called off; and, again, 18 nothing happened. That was a letdown. 19 BY MS. HEWITT: 20 Q Okay. Anything else? 21 MR. FRANKLIN: Vague and ambiguous. 22 THE WITNESS: Anything else about what? 23 BY MS. HEWITT: 24 Q Is there anything -- can you read back 25 the question?</p> <p>Page 39</p>	<p>1 Whether or not proactively, my question 2 was were there any times in which you felt the city was 3 acting to address the problems that you've discussed 4 here today? 5 MR. FRANKLIN: Asked and answered. 6 THE WITNESS: I haven't seen it. 7 BY MS. HEWITT: 8 Q With regard to Chief Kepley, what are 9 the claims you're making against Chief Kepley? 10 A Specifically, that he's an ineffective 11 leader taking care of literally a gang problem down on 12 his beach. He's the head chief law enforcement officer 13 of the city, and he does nothing that is effective, in 14 my view, in taking care of a real problem of access to 15 the coast; of safety in the water; out of the water; 16 above and below the bluff. There's documented numerous 17 incidents of all kinds of violations, and it seems 18 little, if anything, is done about it. I mean, he's 19 the chief. 20 Q When you say, "little" or -- I think you 21 said, "little"; so, was there anything that you believe 22 the chief has done to address the problem that you've 23 discussed here? 24 A To sum up what I think he's done, I 25 think there's been some lip service.</p> <p>Page 41</p>

<p>1 Q And what do you mean by that?</p> <p>2 A Well, when push comes to shove, there is</p> <p>3 reports here and there taken; people that, you know,</p> <p>4 want to report crimes that happen to them. I</p> <p>5 understand that, at one point, he either went down and</p> <p>6 met with members of the Bay Boys and, basically,</p> <p>7 instructed them that they need to behave better.</p> <p>8 You don't tell a gang to behave better.</p> <p>9 Is that to behave more secretly so they don't get</p> <p>10 caught? I mean, I don't understand what his line of</p> <p>11 thinking was on that one. I don't see any proactive</p> <p>12 forms of police work, meaning citing for and arresting</p> <p>13 for laws that are on the books.</p> <p>14 Going back to the undercover operations,</p> <p>15 none of that happens. It's ...</p> <p>16 Q The undercover operation that you</p> <p>17 referenced earlier, you said you were really excited</p> <p>18 about that; is that correct?</p> <p>19 A Yes.</p> <p>20 Q All right. And so you were excited</p> <p>21 about going undercover at Lunada Bay as a surfer?</p> <p>22 A It was twofold. Not only would I get to</p> <p>23 surf a place that I wanted to surf, on a selfish note I</p> <p>24 guess you could say, but you could finally take care of</p> <p>25 a problem that's festered for 30 to 40 years, a gang of</p> <p style="text-align: right;">Page 42</p>	<p>1 BY MS. HEWITT:</p> <p>2 Q And 'cause I don't know. I don't</p> <p>3 understand undercover operations.</p> <p>4 A Well, I think the expectation speaks for</p> <p>5 itself on the undercover operation. You go in</p> <p>6 undercover expecting that things that have been</p> <p>7 reported for the last 30 or 40 years would happen to</p> <p>8 you as an undiscovered outsider; and you, being an</p> <p>9 on-duty police officer, would be able to make and</p> <p>10 effect a proper arrest or a citation and send a message</p> <p>11 that -- when I say, "we," meaning "we" as the</p> <p>12 Palos Verdes Estates police are not going to tolerate a</p> <p>13 gang in the water and on the beach, and the problem</p> <p>14 would go away. Almost instantaneously within a couple</p> <p>15 weeks this could be cleared up. We would not be</p> <p>16 sitting here today.</p> <p>17 Q And is that based on your experience as</p> <p>18 a police officer that you know it would go away in two</p> <p>19 weeks?</p> <p>20 A I believe that it would, yes.</p> <p>21 Q And what experience is that based on?</p> <p>22 A Going into areas; taking care of</p> <p>23 problems; what I've done for the past 20 years. You</p> <p>24 address community issues, quality of life issues, and</p> <p>25 you take care of them by using the law on your side,</p> <p style="text-align: right;">Page 44</p>
<p>1 basically spoiled individuals that claim this territory</p> <p>2 for themselves, and break that up.</p> <p>3 On a law enforcement angle, that would</p> <p>4 be very satisfying. That's what we spend our life's</p> <p>5 work doing is protecting those who feel like they're in</p> <p>6 trouble or things happen to them. Breaking up, you</p> <p>7 know, bands of bullies so that people feel like they're</p> <p>8 free to go there. I mean, so that's the other fold. I</p> <p>9 mean, to surf and to take care of a problem? It</p> <p>10 doesn't get any better.</p> <p>11 Q What did you personally hope you would</p> <p>12 accomplish in working over -- working undercover -- not</p> <p>13 over cover -- undercover at Lunada Bay?</p> <p>14 A When you say, "personally" --</p> <p>15 Q Yeah, what did you personally think you</p> <p>16 would be able to do?</p> <p>17 A I guess that goes back to my original</p> <p>18 answer. The satisfaction of taking care of the problem</p> <p>19 and then the, I guess, selfish enjoyment of being able</p> <p>20 to surf on duty.</p> <p>21 Q Okay. It was my fault for asking kind</p> <p>22 of a bad question.</p> <p>23 How did you think you would do that</p> <p>24 during the undercover operation?</p> <p>25 MR. FRANKLIN: Vague and ambiguous.</p> <p style="text-align: right;">Page 43</p>	<p>1 citing when you can cite; making an arrest; having a</p> <p>2 presence legally, and the problems go away. It's been</p> <p>3 proven for the past hundreds of years of law</p> <p>4 enforcement.</p> <p>5 Look at, you know, New York. You know,</p> <p>6 look, they went in there, and they made a legal</p> <p>7 presence, and the city cleaned up. L.A. is starting to</p> <p>8 clean up. You know, you go and take care of problems.</p> <p>9 That's what we do. It hasn't been done there.</p> <p>10 Q And I did forget to ask you while you</p> <p>11 were at L.A.P.D. working, were you assigned to a</p> <p>12 specific division there?</p> <p>13 A Several.</p> <p>14 Q And what were those?</p> <p>15 A I started out -- after the police</p> <p>16 academy, I started out in the Newton Division. While</p> <p>17 at Newton, I was temporarily assigned to the</p> <p>18 Rampart Division, uniformed narcotics. After my</p> <p>19 probation was over at Newton, I was assigned to</p> <p>20 Hollywood Division.</p> <p>21 Q And in the Hollywood Division, did you</p> <p>22 work patrol there?</p> <p>23 A I worked patrol; and, then, I've worked</p> <p>24 for a time in bicycle patrol, which is a little</p> <p>25 different than regular patrol.</p> <p style="text-align: right;">Page 45</p>

<p>1 Q Did you say --</p> <p>2 A It's patrol on bicycles.</p> <p>3 Q Bicycles. I thought you said, "vice."</p> <p>4 It was something else. I didn't hear. I'm sorry.</p> <p>5 A No.</p> <p>6 Q Okay. Bicycle patrol. All right.</p> <p>7 Did you work in any other -- did you</p> <p>8 have any other types of assignments while you were at</p> <p>9 the Hollywood Division?</p> <p>10 A No.</p> <p>11 Q Okay.</p> <p>12 So, while you were at the L.A.P.D., you</p> <p>13 were assigned to Newton and Hollywood Division; and</p> <p>14 while at Newton, you had a temporary assignment to</p> <p>15 Rampart. Were there any other areas you were assigned</p> <p>16 to while you were at L.A.P.D.?</p> <p>17 A No.</p> <p>18 Q Okay.</p> <p>19 Okay. Getting back to the complaint,</p> <p>20 are there any -- you're making these claims on your own</p> <p>21 behalf --</p> <p>22 MR. FRANKLIN: Objection --</p> <p>23 BY MS. HEWITT:</p> <p>24 Q -- correct?</p> <p>25 MR. FRANKLIN: Vague and ambiguous; calls for a</p> <p style="text-align: right;">Page 46</p>	<p>1 12.</p> <p>2 Q Okay.</p> <p>3 So, sometime in your mid-teens, you</p> <p>4 became aware of Lunada Bay; is that correct?</p> <p>5 A Correct.</p> <p>6 Q And how did you become aware of it?</p> <p>7 A I think it was a surfing magazine or</p> <p>8 "SURFER" magazine, one of the surfing magazines -- a</p> <p>9 magazine.</p> <p>10 Q All right.</p> <p>11 Do you recall just generally what you</p> <p>12 read about Lunada Bay in that surfer magazine or surfer</p> <p>13 magazines?</p> <p>14 A I can remember a picture with a caption</p> <p>15 below; and, then, kind of a small article.</p> <p>16 Q And do you remember, generally, what the</p> <p>17 article was about?</p> <p>18 A I think it was, generally, about</p> <p>19 basically the coming or the past winter season swell --</p> <p>20 I don't remember what time of year I read the article,</p> <p>21 or if it was the past or the present big, you know, the</p> <p>22 wintertime, just wintertime waves.</p> <p>23 MS. HEWITT: Can you please mute your phone?</p> <p>24 Thank you.</p> <p>25 Q Will you please turn to page 7 of the</p> <p style="text-align: right;">Page 48</p>
<p>1 legal conclusion.</p> <p>2 THE WITNESS: On my own behalf, as well as two</p> <p>3 other individual plaintiffs, as well as the class.</p> <p>4 BY MS. HEWITT:</p> <p>5 Q And, then, with regard to the complaint,</p> <p>6 let's go ahead and take a look at that. If the clip is</p> <p>7 not convenient for you, feel free to take it off and do</p> <p>8 whatever is easiest for you.</p> <p>9 So, first, let me ask you when did you</p> <p>10 first become familiar with Lunada Bay?</p> <p>11 A How familiar do you want? What do you</p> <p>12 mean?</p> <p>13 Q When did you first become aware of</p> <p>14 Lunada Bay?</p> <p>15 A I would say in my mid -- mid-teens.</p> <p>16 Q Okay. And in your mid-teens, is it true</p> <p>17 that you were living in La Mirada?</p> <p>18 A That's correct.</p> <p>19 Q All right.</p> <p>20 While you were in your mid-teens, were</p> <p>21 you a surfer?</p> <p>22 A Yes.</p> <p>23 Q Okay. And when did you first start</p> <p>24 surfing?</p> <p>25 A As far as I can remember, I was 11 or</p> <p style="text-align: right;">Page 47</p>	<p>1 complaint, Mr. Spencer. Do you see there in</p> <p>2 paragraph 17 towards the bottom of that page, the</p> <p>3 second paragraph -- second sentence, it says, "It is</p> <p>4 also the State's" -- actually, you know what? Let me</p> <p>5 withdraw that. Let me read the first sentence in that</p> <p>6 paragraph (as read):</p> <p>7 "Beyond its beauty, Lunada Bay</p> <p>8 is Southern California's premiere big-wave</p> <p>9 break."</p> <p>10 Is that your understanding?</p> <p>11 A I believe that to be the case.</p> <p>12 Q All right. And what is that based on?</p> <p>13 A Surfing experience.</p> <p>14 Q And, then, it goes on to say (as read):</p> <p>15 "It is also the State's, and</p> <p>16 perhaps the surfing world's, best-known</p> <p>17 area for localism."</p> <p>18 And it says (as read):</p> <p>19 "Localism is a territorial</p> <p>20 practice whereby resident surfers</p> <p>21 attempt to exclude nonresident</p> <p>22 beachgoers and surfers through</p> <p>23 threats, intimidation, and violence."</p> <p>24 Is that your understanding?</p> <p>25 A Yes.</p> <p style="text-align: right;">Page 49</p>

<p>1 Q All right.</p> <p>2 When did you first hear the term</p> <p>3 "localism"?</p> <p>4 A I'd have to say shortly after you start</p> <p>5 surfing, you become aware of locals or localism.</p> <p>6 Q So did you ever become aware of localism</p> <p>7 in some area other than Lunada Bay?</p> <p>8 MR. FRANKLIN: Vague and ambiguous.</p> <p>9 THE WITNESS: Yes.</p> <p>10 BY MS. HEWITT:</p> <p>11 Q And what other areas?</p> <p>12 A I think -- well, from my experience,</p> <p>13 just about most places there's a nice wave or a</p> <p>14 particular popular place to go surfing, there is a --</p> <p>15 an area that, you know, people specifically like to</p> <p>16 claim as their spot; so are they locals? Do they live</p> <p>17 there? Yes. That's just, I guess, human nature.</p> <p>18 Q Are there any other specific beaches</p> <p>19 that you have an understanding has an issue with</p> <p>20 localism?</p> <p>21 MR. FRANKLIN: Vague and ambiguous.</p> <p>22 BY MS. HEWITT:</p> <p>23 Q Other than Lunada Bay?</p> <p>24 MR. FRANKLIN: Vague and ambiguous.</p> <p>25 THE WITNESS: Again, there's places that people</p> <p style="text-align: right;">Page 50</p>	<p>1 BY MS. HEWITT:</p> <p>2 Q Back when you were a teenager and you</p> <p>3 first started reading articles -- or I think you said</p> <p>4 you read an article about Lunada Bay, did that article</p> <p>5 reference localism?</p> <p>6 A Yes.</p> <p>7 Q Okay. So you have a specific</p> <p>8 recollection of that?</p> <p>9 A Yes.</p> <p>10 Q All right. And what is that</p> <p>11 recollection?</p> <p>12 A In -- I can give it to you in general</p> <p>13 terms, because it made an impression on me at the time.</p> <p>14 It was something to the effect of the most -- one of</p> <p>15 the most perfect waves in California in the wintertime;</p> <p>16 but, basically, only a few are able to enjoy it,</p> <p>17 something to that effect.</p> <p>18 Q All right. And did it say why only a</p> <p>19 few were able to enjoy it?</p> <p>20 A I don't -- I don't recall -- not</p> <p>21 specifics. I don't recall specifics, but it was</p> <p>22 something that's well-known in Southern California that</p> <p>23 you don't go there.</p> <p>24 Q And when you say that, is that what was</p> <p>25 said in the article, or are you stating that of your</p> <p style="text-align: right;">Page 52</p>
<p>1 refer themselves as "locals," but it's not like</p> <p>2 Lunada Bay locals. It's different at Lunada Bay.</p> <p>3 BY MS. HEWITT:</p> <p>4 Q So are you aware of any other beaches</p> <p>5 where there is an issue of localism that you</p> <p>6 understand?</p> <p>7 MR. FRANKLIN: Vague and ambiguous.</p> <p>8 THE WITNESS: Not like Lunada. That's my</p> <p>9 answer.</p> <p>10 BY MS. HEWITT:</p> <p>11 Q Not like -- okay. But my question is --</p> <p>12 A Localism not like Lunada; so, there is a</p> <p>13 place where people consider themselves local, but it's</p> <p>14 not like Lunada Bay.</p> <p>15 Q Okay.</p> <p>16 That first part of your answer, what are</p> <p>17 those places?</p> <p>18 MR. FRANKLIN: Vague and ambiguous.</p> <p>19 THE WITNESS: Look out at the coast. Anywhere</p> <p>20 there's good waves and people surf, there's going to be</p> <p>21 -- the California coast, anywhere there's good waves</p> <p>22 and where people surf, there's going to be locals</p> <p>23 there, people that are local residents that consider it</p> <p>24 their local break. And anybody who is not from there,</p> <p>25 I guess, would be considered not local. I don't know.</p> <p style="text-align: right;">Page 51</p>	<p>1 own information and belief?</p> <p>2 A That's -- it's just known in the surfing</p> <p>3 world. You don't go to Lunada Bay unless you're a</p> <p>4 local.</p> <p>5 Q Okay. But right now I'm asking about</p> <p>6 this article.</p> <p>7 A No, right. No, it didn't, no. You're</p> <p>8 correct, but it just made reference that only a few can</p> <p>9 enjoy or something to that effect.</p> <p>10 Q Okay.</p> <p>11 Now, when you first -- sorry.</p> <p>12 A It didn't say anything about, you know,</p> <p>13 you're going to go there, and this is going to happen,</p> <p>14 or A, B, and C; X, Y, and Z, no, it didn't. It just</p> <p>15 made reference to like this is known.</p> <p>16 Q Okay.</p> <p>17 A I recall that specifically. It was a</p> <p>18 great picture. I wish I could remember.</p> <p>19 Q Okay.</p> <p>20 Now, if you will please turn to page 12;</p> <p>21 to paragraph 21. We'll get to the part where your name</p> <p>22 is there.</p> <p>23 A Paragraph 21. Okay.</p> <p>24 Q Yes, sir. All right.</p> <p>25 I think we already talked about the fact</p> <p style="text-align: right;">Page 53</p>

<p>1 that you worked as a police officer for the</p> <p>2 City of Los Angeles Police Department in the</p> <p>3 South Central Division. Is that what it was called,</p> <p>4 "South Central Division"?</p> <p>5 A Back then, you were politically correct</p> <p>6 if you said, "South Central Division." It was actually</p> <p>7 Newton Division, South Central L.A. Now you can only</p> <p>8 say South L.A., I guess. But it wasn't</p> <p>9 South Central Division. It was the Newton Division in</p> <p>10 South Central L.A.</p> <p>11 Q Thank you.</p> <p>12 All right. And, then, we talked about</p> <p>13 the fact that you'd work as a police officer in the</p> <p>14 City of El Segundo; and, then, it goes on to state</p> <p>15 (as read):</p> <p>16 "For more than 30 years,</p> <p>17 he has wanted to surf the waves off</p> <p>18 the coast of the City of Palos Verdes</p> <p>19 Estates - specifically Lunada" --</p> <p>20 A Are we on another page?</p> <p>21 Q I'm sorry. We're on page 12, please.</p> <p>22 A I was on 21. You didn't tell me where</p> <p>23 to go after that.</p> <p>24 Q We're still on 21.</p> <p>25 A I'm on a different area.</p> <p>Page 54</p>	<p>1 beach localism at Lunada Bay?</p> <p>2 A Well, I think anybody -- well, when did</p> <p>3 I?</p> <p>4 Q Yes.</p> <p>5 A Let's go back to that. When you see --</p> <p>6 you question why you can't go there; and, then, you</p> <p>7 start inquiring in the surfing world why you can't go</p> <p>8 there, and you hear the stories that have gone on for</p> <p>9 as long as they have up into that point. You</p> <p>10 immediately get fearful. You don't want to go</p> <p>11 somewhere where you're going to get your tires slashed;</p> <p>12 your windows egged; your property thrown in the ocean.</p> <p>13 Those were the stories that you get; so, you become</p> <p>14 fearful right away, right? Or I did.</p> <p>15 Q My question was when this happened.</p> <p>16 A Shortly after I questioned from the</p> <p>17 article why can only a few enjoy it.</p> <p>18 Q And who did you question?</p> <p>19 A I don't -- I didn't question anybody</p> <p>20 that I can recall specifically. You just -- you just</p> <p>21 hear stories in the surfing world about the place</p> <p>22 through people, word of mouth. I don't recall an</p> <p>23 individual.</p> <p>24 Q Okay. So, going back to the surfing</p> <p>25 article you read as a mid-teen, judging from what you</p> <p>Page 56</p>
<p>1 Q I'm sorry, sir. Paragraph 21. My</p> <p>2 fault.</p> <p>3 A Okay. I was looking at lines. Sorry.</p> <p>4 My mistake.</p> <p>5 Q No, that was my fault.</p> <p>6 A My mistake.</p> <p>7 Q So now we're on line 7, towards the end</p> <p>8 where it says --</p> <p>9 A Yes. I'm with you now.</p> <p>10 Q All right.</p> <p>11 So is that true that for more than 30</p> <p>12 years you wanted to surf the waves off the coast of the</p> <p>13 City of Palos Verdes Estates, specifically, Lunada Bay?</p> <p>14 A From the day I saw that picture.</p> <p>15 Q Okay. So that's where you date it from,</p> <p>16 the day you saw that picture in the surfer magazine in</p> <p>17 your mid-teens?</p> <p>18 A Yes.</p> <p>19 Q Okay. All right. And, then, the next</p> <p>20 sentence, the second half of it says that you avoided</p> <p>21 Lunada Bay because of fear, intimidation, vandalism,</p> <p>22 and Lunada Bay's well-known reputation for violence and</p> <p>23 beach localism.</p> <p>24 Now, breaking that down a little bit</p> <p>25 here, when did you first develop a fear of violence or</p> <p>Page 55</p>	<p>1 just told me, you don't date your fear back to that</p> <p>2 article, do you; is that correct?</p> <p>3 A No, not to the article; but once you</p> <p>4 start -- well, what about this Lunada? And, you know,</p> <p>5 you ask this -- you know, you ask people. You ask</p> <p>6 surfers. "Oh, you can't go there." This, you know.</p> <p>7 Q And that's what I'm trying to find out.</p> <p>8 A That's when you hear the stories.</p> <p>9 Q When did you first hear those stories?</p> <p>10 A Shortly after. I can't give you a date.</p> <p>11 Q Was it when you were still a teenager?</p> <p>12 A Oh, yes.</p> <p>13 Q Okay.</p> <p>14 Do you think it was from your friends</p> <p>15 who told you these stories?</p> <p>16 A Friends; not friends; people in the</p> <p>17 water; people you don't know. I -- again, I can't give</p> <p>18 you a specific. It's just something that's known in</p> <p>19 the surfing world.</p> <p>20 Q And not being a surfer, I apologize for</p> <p>21 asking. I know it seems like an obvious question, but</p> <p>22 how are you hearing these stories that you're</p> <p>23 testifying to right now with regard to how you</p> <p>24 developed the fear of Lunada Bay? That's what I'm</p> <p>25 trying to get at, just because, again, I'm not a</p> <p>Page 57</p>

<p>1 surfer.</p> <p>2 A So, at the, I guess, at the cost of</p> <p>3 hopefully not seeming vague and ambiguous to you, it's</p> <p>4 just word of mouth in the water. You're talking to</p> <p>5 other surfers. You hear of stories, you know. You're</p> <p>6 out in the water waiting for waves. Guys -- people</p> <p>7 talk.</p> <p>8 Q When was the first time you remember</p> <p>9 someone telling you something that made you fearful of</p> <p>10 Lunada Bay?</p> <p>11 A I can't give you a specific date.</p> <p>12 Q All right. So we established it was</p> <p>13 when you were a teenager though; right?</p> <p>14 A Yes.</p> <p>15 Q All right.</p> <p>16 So, that's somewhere up until the time</p> <p>17 you were 19?</p> <p>18 A Yes.</p> <p>19 Q Okay.</p> <p>20 A I mean, you -- you know, you hear about</p> <p>21 it when, you know, in your mid-teens. You start asking</p> <p>22 about this place and talking about this place and</p> <p>23 almost right away.</p> <p>24 Q Did you ever go to Lunada Bay up until</p> <p>25 the time you were 20?</p> <p>Page 58</p>	<p>1 MR. FRANKLIN: Vague and ambiguous.</p> <p>2 THE WITNESS: I don't know how to answer that</p> <p>3 any other way than I already did. When you drive up,</p> <p>4 you -- because of the lure, the stories, you feel</p> <p>5 fearful of, hey, is this real? Is this -- is this</p> <p>6 place really like they say it is? Am I going to get my</p> <p>7 property vandalized? Am I going to get, you know, in</p> <p>8 some type of confrontation? That's a fear.</p> <p>9 MS. HEWITT: Okay.</p> <p>10 Let's break that down then. Of the four</p> <p>11 to five times you went to Lunada Bay before you turned</p> <p>12 20, looking at the first time you went, did you</p> <p>13 experience any intimidation there?</p> <p>14 MR. FRANKLIN: Vague and ambiguous.</p> <p>15 THE WITNESS: No. I was never, per se,</p> <p>16 confronted by anybody; so I was -- I wasn't intimidated</p> <p>17 by any individual.</p> <p>18 BY MS. HEWITT:</p> <p>19 Q Okay. That same time, did you</p> <p>20 experience any vandalism?</p> <p>21 A No.</p> <p>22 Q Okay.</p> <p>23 Did anything occur during that first</p> <p>24 visit to Lunada Bay -- to Lunada Bay, excuse me, before</p> <p>25 you turned 20, that caused you to later be fearful of</p> <p>Page 60</p>
<p>1 A Yes.</p> <p>2 Q Okay.</p> <p>3 How many times?</p> <p>4 A I can't recall a specific number, but I</p> <p>5 can tell you that, of course, you see it in magazines.</p> <p>6 You want to see it in person; and, you know, you want</p> <p>7 to go and investigate, I guess, for lack of a better</p> <p>8 term; so, you just drive up and check it out.</p> <p>9 Q Are you able to estimate for me how many</p> <p>10 times you went to Lunada Bay before you turned 20?</p> <p>11 A Oh, before I turned 20? If I were to</p> <p>12 give you an estimation, probably four to five times.</p> <p>13 Q Okay.</p> <p>14 During any of the four or five times you</p> <p>15 went there before you turned 20, did you experience</p> <p>16 anything that made you fearful of Lunada Bay?</p> <p>17 MR. FRANKLIN: Vague and ambiguous.</p> <p>18 THE WITNESS: Fearful? Just going there I was</p> <p>19 in fear. Just driving up the Palos Verdes Peninsula</p> <p>20 road, you know, or whatever road it is to get up there,</p> <p>21 you're a little afraid because you've heard stories.</p> <p>22 MS. HEWITT: Okay.</p> <p>23 Q During the four or five times you went</p> <p>24 to Lunada Bay before you turned 20, did you experience</p> <p>25 anything that made you fearful of Lunada Bay?</p> <p>Page 59</p>	<p>1 coming back to Lunada Bay?</p> <p>2 A No.</p> <p>3 Q Okay.</p> <p>4 During the second time you visited</p> <p>5 Lunada Bay before you turned 20, did you experience any</p> <p>6 intimidation?</p> <p>7 A We're going time by time?</p> <p>8 Q Yes.</p> <p>9 A Let me just save you the, I guess, the</p> <p>10 hassle of going through. They were just every time you</p> <p>11 would drive up the same way and just check it out, and</p> <p>12 nothing that the line of questioning that we went</p> <p>13 through happened in each one of those four to five</p> <p>14 times.</p> <p>15 Q Okay.</p> <p>16 During the four to five times?</p> <p>17 A Does that make sense?</p> <p>18 Q Sure. Let me just restate it, and I</p> <p>19 appreciate that.</p> <p>20 During the four to five times you</p> <p>21 visited Lunada Bay before you turned 20, you did not</p> <p>22 experience any intimidation --</p> <p>23 MR. FRANKLIN: Vague and ambiguous.</p> <p>24 BY MS. HEWITT:</p> <p>25 Q -- is that correct?</p> <p>Page 61</p>

1 A Correct.
2 Q You did not experience any vandalism; is
3 that correct?
4 A Correct.
5 Q All right. And you did not experience
6 anything that caused you to later to be fearful of
7 later coming back to Lunada Bay; is that correct?
8 A Not on those times; correct.
9 Q Okay.
10 All right. If we go to the next
11 sentence, it starts at line 13, sir (as read):
12 "But in January 2016, Spencer
13 worked up his courage to surf Lunada Bay
14 during a large winter swell."
15 Going to a time period before
16 January 2016, is it true that you had never surfed
17 Lunada Bay before that time?
18 A That's true.
19 Q Okay. So when you visited Lunada Bay
20 before you turned 20, you went to Lunada Bay but did
21 not surf; correct?
22 A That's correct.
23 Q All right.
24 When you went during those four to five
25 times, did you go on the beach?

Page 62

1 A Okay. What do you consider the beach?
2 The -- down below the bluff? Above the bluff?
3 Q Good point. I would just say to the
4 area closest to the water that's not actually on the
5 water.
6 A No.
7 Q Okay.
8 Was there one particular place you went
9 to each time?
10 A Yes, just pull up on the street in
11 front.
12 Q Okay. All right.
13 Between the time that you turned 20 and
14 January of 2016, that's referenced in the complaint,
15 did you go to Lunada Bay to surf at all?
16 A Between -- say that again, please.
17 Q Sure.
18 Between those four to five times that we
19 just discussed and the time in January of 2016 when you
20 went to Lunada Bay --
21 A Before that?
22 Q Before that.
23 A No.
24 Q During that time. Okay. So you never
25 went to surf during those times at Lunada Bay?

Page 63

1 A Let me back up.
2 Q Sure.
3 A I had my boards each time but ...
4 Q When you were -- before you were 20?
5 A Yes.
6 Q Okay. So you had your boards, but you
7 didn't surf?
8 A Correct.
9 Q That's fine. And between that time and
10 January 2016, did you ever surf at Lunada Bay?
11 A No.
12 Q Okay.
13 Between those four to five times and
14 January 2016, did you go to Lunada Bay?
15 A Yes.
16 Q Okay.
17 About how many times?
18 A Four to five.
19 Q Between the time you were 20 and the
20 time January 2016?
21 A Oh, oh, I'm sorry.
22 Q That's okay.
23 A I thought we were back.
24 Q No.
25 A How many times after I was 20 and, then,

Page 64

1 up until January of 2016? One time I went on my
2 bicycle. I would say, again, four to five times. I
3 know one was on a bike ride; and the others, one time
4 was working a task force for a DUI. I was in a police
5 car, and it was at night. It would have been after
6 10 p.m.; so not many people there at that time. And I
7 would say probably the two or three extra would just be
8 in my car.
9 Q Okay.
10 In any of those four to five times, did
11 you attempt to surf?
12 A No.
13 Q Okay.
14 During any of those four to five times,
15 were you intimidated?
16 MR. FRANKLIN: Vague and ambiguous.
17 THE WITNESS: I'm -- I wouldn't -- no, I wasn't
18 intimidated.
19 MS. HEWITT: Okay.
20 Q During any of those four to five times,
21 again, that we're talking about right now, did you
22 experience any vandalism?
23 A No vandalism.
24 Q All right. And during those four to
25 five times, did you experience anything that made you

Page 65

<p>1 fearful to come back to Lunada Bay in the future?</p> <p>2 MR. FRANKLIN: Vague and ambiguous.</p> <p>3 THE WITNESS: On the -- on the time of my</p> <p>4 bicycle, there was a few individuals -- and I don't</p> <p>5 know who they were -- and you drive by, and I remember</p> <p>6 getting off my bike and looking down over the bluff and</p> <p>7 seeing kayaks and -- I think it was mostly just kayaks</p> <p>8 kind of down in the bushes, and I thought that was kind</p> <p>9 of weird, but I do remember a group of -- and I</p> <p>10 couldn't even give you a description or anything -- a</p> <p>11 group of guys -- and ages I don't know -- but just kind</p> <p>12 of hanging out, and they were on the north end of the</p> <p>13 -- I don't know what we want to call it because we're</p> <p>14 not down in the bay. I guess the north end of the bay</p> <p>15 on the bluff just hanging out; and so, then, you know,</p> <p>16 your mind remembers all the lore and the stories; and I</p> <p>17 go, oh, I wonder if it's those guys, but nobody</p> <p>18 approached me. Nobody intimidated. Nobody vandalized,</p> <p>19 but I thought it was kind of odd.</p> <p>20 BY MS. HEWITT:</p> <p>21 Q The kayaks, they didn't scare you or</p> <p>22 cause any fear?</p> <p>23 A No. It's just odd that people would</p> <p>24 leave their property on the beach -- or, yeah, down on</p> <p>25 the beach, and nothing would be stolen, or it would be</p> <p style="text-align: right;">Page 66</p>	<p>1 avoided Lunada Bay because of fear, intimidation, and</p> <p>2 vandalism, and Lunada Bay's well-known reputation for</p> <p>3 violence and beach localism; but in January 2016, you</p> <p>4 worked up the courage to go surf there.</p> <p>5 So, I want to find out before that time</p> <p>6 you worked up the courage to go surf there, what story</p> <p>7 was fresh in your mind and when had you heard that?</p> <p>8 A I can't point to a specific story. Just</p> <p>9 what's gone over the 30 and 40 years of the stuff we</p> <p>10 talked about.</p> <p>11 Q Well, let's go back to all those then.</p> <p>12 The 30 to 40 years of stuff we've talked about, are you</p> <p>13 able to tell me any particular person who told you any</p> <p>14 story of what we talked about here today?</p> <p>15 A You know, no, that was after -- after it</p> <p>16 happened. I can't -- I don't know a particular person.</p> <p>17 I can't give you a particular source. It's just</p> <p>18 general knowledge of what goes on there.</p> <p>19 Q Well, is the general knowledge purely</p> <p>20 based on these stories from the people that you're</p> <p>21 unable to identify right now?</p> <p>22 MR. FRANKLIN: Vague and ambiguous; misstates</p> <p>23 prior testimony.</p> <p>24 THE WITNESS: I'm trying to think for you.</p> <p>25 MS. HEWITT: I appreciate it.</p> <p style="text-align: right;">Page 68</p>
<p>1 okay to leave stuff there, and that never occurred to</p> <p>2 me.</p> <p>3 Q All right.</p> <p>4 So prior to January 16th, why had you</p> <p>5 not surfed at Lunada Bay?</p> <p>6 MR. WORGUL: Did you say January 2016 or 16?</p> <p>7 MS. HEWITT: 2016.</p> <p>8 THE WITNESS: Yeah. Why didn't I surf there?</p> <p>9 Because I didn't want to get -- I didn't want the</p> <p>10 stories to come true to me of what goes on down there.</p> <p>11 BY MS. HEWITT:</p> <p>12 Q All right. And are these the stories</p> <p>13 that you referenced earlier that you just heard when</p> <p>14 you were out surfing?</p> <p>15 A Yes.</p> <p>16 Q Okay. So are you able to pinpoint the</p> <p>17 source of any of these stories or tell me who related</p> <p>18 them to you?</p> <p>19 A No.</p> <p>20 Q Prior to January 2016, when was the last</p> <p>21 time you had heard such a story?</p> <p>22 A Prior to January -- I can't give you</p> <p>23 specific dates. I don't know.</p> <p>24 Q Well, the complaint here -- and here's</p> <p>25 why I'm asking. The complaint here says that you</p> <p style="text-align: right;">Page 67</p>	<p>1 THE WITNESS: No, not that I can recall.</p> <p>2 BY MS. HEWITT:</p> <p>3 Q Can you think of anybody who told you</p> <p>4 about localism at Lunada Bay prior to January 2016?</p> <p>5 A Prior to January -- well, prior -- I</p> <p>6 mean, very close up to 2016, I talked with -- I talked</p> <p>7 with Chris Taloa about going down there.</p> <p>8 Q And how did you meet Chris Taloa?</p> <p>9 A I met him -- like physically how I met</p> <p>10 him?</p> <p>11 Q Or just how did you become acquainted</p> <p>12 with him?</p> <p>13 A How I became acquainted with him?</p> <p>14 Q Yeah.</p> <p>15 A In 20 -- I think 2014 or so, I learned</p> <p>16 of kind of what his movement was, about going there in</p> <p>17 numbers to go surf, through a friend named Tom Blair.</p> <p>18 He told me about a friend of his, Chris Taloa, that was</p> <p>19 engaging in a movement to go peacefully surf in numbers</p> <p>20 so that it would be safe at Lunada; and I thought that</p> <p>21 after all those years, that might be something that I</p> <p>22 would attempt and so I -- it was towards the end of</p> <p>23 2014; and I, you know, the big wave season was kind of</p> <p>24 over, and I didn't contact him then, Chris -- meaning</p> <p>25 Chris.</p> <p style="text-align: right;">Page 69</p>

1 And, so, in January -- about a week
2 prior to me going out there was when I contacted Chris,
3 I believe, on the phone -- or I might have texted him
4 first. I can't remember. I think I might have texted
5 him, "Hey, there's a swell coming. Let's get some
6 people together and try to go safely surf and have a
7 good time."
8 Q Okay. And just to clarify, prior to
9 this time when you went to the beach in January of
10 2016, had you talked to Chris Taloa about localism at
11 Lunada Bay?
12 A Prior to going there?
13 Q Yes.
14 A Like after I called him?
15 Q No. Any time prior to going -- to
16 actually going.
17 MR. FRANKLIN: Asked and answered.
18 THE WITNESS: Yes.
19 BY MS. HEWITT:
20 Q Okay. And prior to the time you first
21 called him, had you ever talked to him about localism
22 at Lunada Bay?
23 MR. FRANKLIN: Vague and ambiguous.
24 THE WITNESS: No.
25 MS. HEWITT: Okay.

Page 70

1 THE WITNESS: Not Chris.
2 BY MS. HEWITT:
3 Q So the time -- is it true, then, the
4 time that you called him a week before going is the
5 first time you'd ever spoken to him on the phone?
6 A Yes.
7 Q Okay. And did his movement have a name?
8 A As far as I know, it's known as
9 "Aloha Point"; so, he basically renamed it Aloha Point,
10 you know, in the spirit of Aloha, friendly, peaceful,
11 Aloha; and renamed the place, because it has such a
12 reputation of being non-Aloha, he named it Aloha Point;
13 and, then, started, I guess, a Facebook page or
14 something -- I don't even know really. I don't know
15 how Facebook works, if he is Aloha Point or what; but I
16 know there's an Aloha Point Facebook page; and, then,
17 he's the one that kind of came up with that.
18 Q Have you ever visited the Aloha Point
19 Facebook page?
20 A I have not. I've seen like screenshots
21 of it, but I can't go on Facebook, as far as I know,
22 because I'm not a Facebooker or have an account or
23 whatever. I don't know how it works.
24 Q All right.
25 How did you first become aware of the

Page 71

1 Aloha Point Facebook group?
2 A Through Tom.
3 Q Through Tom. Okay. And who is Tom?
4 He's a friend of yours. I'm sorry. You said he's a
5 friend of yours.
6 A More of an acquaintance who lives in
7 El Segundo, the city where I work.
8 Q Is he a surfer?
9 A He surfs.
10 Q Do you surf with him?
11 A I have on several occasions. I know
12 you're going to probably ask me for a number, and I
13 don't recall.
14 Q Have you ever talked about localism at
15 Lunada Bay with him?
16 A Yes.
17 Q Okay.
18 When did you first talk about that with
19 him?
20 A Hum, probably -- I guess it would be
21 safe to say probably around the same time as 2014 when
22 we, you know, started talking about Lunada Bay; and,
23 then, he told me he had a friend; and, so, I would
24 venture to say it would be around then.
25 Q Okay.

Page 72

1 Have you ever talked with Tom Blair
2 about any of his own experiences down in Lunada Bay?
3 A He's made references, like, you know,
4 he's been up there before and those -- you know, those
5 guys are a bunch of boys and stuff like that, but I
6 don't recall any specifics that happened to him if we
7 had talked about them.
8 Q All right.
9 He never told you that he experienced
10 vandalism there?
11 A Not that I recall.
12 Q All right.
13 Did he ever say he experienced any fear
14 or intimidation there?
15 A Not that I recall.
16 Q Did he say he experienced any violence?
17 A Not that I recall.
18 Q Okay.
19 So, then, is it correct, if we break it
20 down, that between the time around when you're a
21 teenager and the time right before you turn 20, you
22 visited Lunada Bay four to five times; and, then, you
23 visited it four to five times from that time until
24 January of 2016; is that correct?
25 A That's correct.

Page 73

<p>1 Q All right.</p> <p>2 A That would be fair.</p> <p>3 Q That would be fair?</p> <p>4 A Yeah.</p> <p>5 Q Thank you.</p> <p>6 A I think that was your original.</p> <p>7 Q That is right. That was my question.</p> <p>8 Okay.</p> <p>9 Okay. How far is Lunada Bay from where</p> <p>10 you currently live just in miles, if you know?</p> <p>11 A I would say 62 miles, because that's</p> <p>12 basically from my house to where I work; and I always</p> <p>13 draw, like, a linear line; but I don't know the</p> <p>14 specific amount of miles; so, it's somewhere in the</p> <p>15 60s.</p> <p>16 Q Okay.</p> <p>17 Now, looking at the complaint again, the</p> <p>18 statement about working up the courage to surf</p> <p>19 Lunada Bay, why did you decide to visit?</p> <p>20 A Can you send me back to that?</p> <p>21 Q Sure. I apologize.</p> <p>22 A Line 13?</p> <p>23 Q Yes, line 13. My apologies.</p> <p>24 A Okay.</p> <p>25 Q Why did you decide to visit Lunada Bay</p> <p style="text-align: right;">Page 74</p>	<p>1 Q And how?</p> <p>2 A He got all excited and said, "I'll put</p> <p>3 the word out, and let's -- we'll get a few of our Aloha</p> <p>4 people and go have some good, peaceful, clean surfing,</p> <p>5 hopefully."</p> <p>6 Q Okay.</p> <p>7 Did you have, in your mind, how many</p> <p>8 people you wanted to go with in order to get up the</p> <p>9 nerve to go to Lunada Bay that day?</p> <p>10 A In my mind?</p> <p>11 Q Yes.</p> <p>12 A If it were a perfect scenario for me,</p> <p>13 I'd like 100 -- at least 100 guys to go down there.</p> <p>14 Q Okay. Bad question.</p> <p>15 If only Chris had gone with you, would</p> <p>16 you have gone?</p> <p>17 A No.</p> <p>18 Q All right.</p> <p>19 So, eventually, you and Chris agreed to</p> <p>20 go; correct?</p> <p>21 A Correct.</p> <p>22 Q Did he tell you how many other people</p> <p>23 were going to come before you actually went?</p> <p>24 A No.</p> <p>25 Q Okay.</p> <p style="text-align: right;">Page 76</p>
<p>1 in January 2016?</p> <p>2 A Well, there's safety in numbers. You</p> <p>3 know, I work in a job where it's not safe all the time,</p> <p>4 and we're safer in numbers, and this movement kind of</p> <p>5 resonated with me because if you have a large number of</p> <p>6 people who want to go and enjoy the beach peacefully</p> <p>7 and safely, then, I thought that that would be probably</p> <p>8 No. 1, my -- my safest opportunity to go there, and</p> <p>9 they had a track record of doing it I think the year</p> <p>10 prior. And from what I understand, there was minor</p> <p>11 incidents with that group but nothing to the extent of</p> <p>12 the stories that I heard --</p> <p>13 Q Okay.</p> <p>14 A -- about fights and vandalism and stuff</p> <p>15 like that so ...</p> <p>16 Q Okay.</p> <p>17 Let me ask that this way. Was it your</p> <p>18 idea to go to Lunada Bay in January of 2016 unprompted</p> <p>19 by anybody else?</p> <p>20 A On that time, yeah. I called Chris or</p> <p>21 texted him and said, "Hey, there's a swell coming. I'm</p> <p>22 Cory. I'm Tom's friend. Let's get some people</p> <p>23 together and go surf."</p> <p>24 Q Okay. And did he respond?</p> <p>25 A Yes.</p> <p style="text-align: right;">Page 75</p>	<p>1 Did you have an understanding of how</p> <p>2 many people would be going?</p> <p>3 A I had an idea.</p> <p>4 Q And what was that?</p> <p>5 A About six to eight --</p> <p>6 Q Okay.</p> <p>7 A -- surfers.</p> <p>8 Q Surfers. Did that include Tom Blair?</p> <p>9 A No.</p> <p>10 Q All right.</p> <p>11 Prior to the --</p> <p>12 A Tom is -- he's still scared to go down</p> <p>13 there even with Facebook people.</p> <p>14 Q Okay. So the answer is no, Tom Blair</p> <p>15 did not go?</p> <p>16 A Correct.</p> <p>17 Q All right.</p> <p>18 The six to eight people, they were all</p> <p>19 surfers? Is that what you're saying to me?</p> <p>20 A As far as I understood, yes.</p> <p>21 Q All right.</p> <p>22 Do you know if any reporters were</p> <p>23 planning to go -- that's a bad question.</p> <p>24 Were you aware of any reporters who were</p> <p>25 going to be going that day?</p> <p style="text-align: right;">Page 77</p>

<p>1 A I was not aware. 2 Q Okay. All right. 3 Did you -- oh, prior to the day you 4 actually went in January of 2016, had you ever 5 communicated with anybody at the City of Palos Verdes 6 about any problems with Lunada Bay, including violence, 7 intimidation, fear, anything like that? 8 A Yes. 9 MR. FRANKLIN: Vague and ambiguous. 10 BY MS. HEWITT: 11 Q Okay. On how many occasions? 12 A Prior to going down there that day? 13 Q Yes. 14 A I think I contacted the chief first. I 15 don't recall getting a response from him; and, then, 16 kind of reading their organizational chart, and I 17 believe I contacted a captain, and I don't recall his 18 name. 19 Q Okay. And what did you say -- or not 20 what did you say. How did you contact him? 21 A I don't know if the first time was 22 initially E-mail or a call. It could have been either 23 one, and I just requested, "Hey, there's a group of us. 24 I'm sure you're aware of the group. We're going down 25 there this date. Can we get some extra patrol?"</p> <p style="text-align: right;">Page 78</p>	<p>1 Where do you surf -- actually, I'll 2 withdraw that. 3 Do you surf regularly? 4 A Yes. 5 Q Okay. 6 On about how many times a week do you 7 surf? 8 A Let's back up. Surfing regularly is a 9 -- I guess a different term than surfing, because you 10 surf when the waves are good; not all the time. So, I 11 regularly surf when the waves are good or to my liking 12 so -- and those are just based upon weather so ... 13 Q Okay. 14 A I don't know how to specifically nail 15 down ... 16 Q Okay. 17 Is there a surf season? Again, I 18 apologize for not knowing. 19 A Yes. In the summer, there's swells that 20 more consistently hit different parts of the coastline. 21 In the winter and fall, there's swells that hit other 22 parts of the coastline. 23 Q Okay. 24 Well, during the times when it is surf 25 season from your perspective, how often do you surf on</p> <p style="text-align: right;">Page 80</p>
<p>1 Q Okay. 2 And did you get a response? 3 A Yes. There was dialogue, and I don't 4 remember the exact -- I think it was mostly after that 5 through E-mail. I don't recall ever speaking -- I 6 don't recall if I ever spoke to him on the phone or 7 not, but I know most was through E-mail. That's my 8 best recollection right now. 9 Q Okay. 10 A Can I get a drink or -- 11 Q Sure. You know what? Why don't we take 12 a little break right now. We're going a little while. 13 A My mouth is dry. 14 MS. HEWITT: I'll bet. 15 Let's go off the record. 16 (A recess was taken at 11:31 a.m. 17 until 11:45 a.m.) 18 BY MS. HEWITT: 19 Q What city do you live in? 20 A I live in the City of Norco. 21 Q Okay. 22 Oh, that's quite a commute to 23 El Segundo. 24 A Yes. 25 Q Okay.</p> <p style="text-align: right;">Page 79</p>	<p>1 a weekly basis? 2 MR. FRANKLIN: Vague and ambiguous; asked and 3 answered. 4 MS. HEWITT: So, I'm sorry. What was the last 5 one you said? 6 MR. FRANKLIN: Asked and answered. 7 MS. HEWITT: I wanted just to know how many 8 times in a week. I took off the regularly part. 9 MR. WORGUL: You instructed him not to answer; 10 right? 11 MR. FRANKLIN: No, I did not instruct him not 12 to answer. I said, "asked and answered." 13 MR. WORGUL: I thought you had. 14 MR. FRANKLIN: No. 15 THE WITNESS: So you want a number? I'll do 16 this for you. If a swell has -- a swell has a window; 17 okay? And say it's a three-day swell window, and if 18 the waves are going to be good all three days with 19 conditions and whatnot, I'll surf, if I can, all three 20 of those days. 21 MS. HEWITT: Okay. 22 Q Where do you surf typically in any given 23 year? Do you have a regular set of places that you 24 surf at? 25 A I surf all over.</p> <p style="text-align: right;">Page 81</p>

<p>1 Q Okay.</p> <p>2 What are the three places that you surf</p> <p>3 at most often in any given year?</p> <p>4 A Most often any given year, I would say</p> <p>5 El Porto in Manhattan Beach, Oceanside Harbor in</p> <p>6 San Diego County, and I would really like it to be</p> <p>7 Lunada in the winter if it was safe to go there, and I</p> <p>8 think that's what this claim is about; so, that's not</p> <p>9 one of them yet. I could say Huntington in</p> <p>10 Orange County.</p> <p>11 Q Okay. Those are all fairly long drives</p> <p>12 from Norco. Do you often -- do you go directly from</p> <p>13 home when you go surf at Manhattan Beach or Oceanside</p> <p>14 or Huntington, or do you go to work first?</p> <p>15 A It just depends if I'm at work or home.</p> <p>16 And when I have time to go, I'll usually have a board</p> <p>17 stored at work; a board at home.</p> <p>18 Q Okay.</p> <p>19 We were talking a little bit about</p> <p>20 communications with the city prior to your actual visit</p> <p>21 to Lunada Bay in January of 2016. Let me go back a</p> <p>22 little bit on that as well.</p> <p>23 We went over fairly exhaustively before</p> <p>24 the four to five times you went to Lunada Bay up until</p> <p>25 the time you were 20; and, then, the four to five times</p> <p>Page 82</p>	<p>1 A Yeah. I -- you see guys hanging out at</p> <p>2 the parking lots and before they're going to get in the</p> <p>3 water or after they get out of the water.</p> <p>4 Q Okay.</p> <p>5 So, talking a little bit about your</p> <p>6 communications, I think you said with Captain Velez.</p> <p>7 A That's the name.</p> <p>8 Q Okay.</p> <p>9 Did you -- actually, I don't know if you</p> <p>10 said, "Velez." Do you think it was Velez?</p> <p>11 A You just did, but you refreshed my</p> <p>12 memory. Thank you very much.</p> <p>13 Q Okay. I didn't mean to. Okay. So, you</p> <p>14 believe it was Captain Velez; all right.</p> <p>15 A Yes.</p> <p>16 Q And you had testified that there was</p> <p>17 dialogue, and I'm not sure if you meant dialogue</p> <p>18 through E-mail or something on the phone. Can you</p> <p>19 clarify that?</p> <p>20 MR. FRANKLIN: Asked and answered.</p> <p>21 THE WITNESS: Can I clarify it?</p> <p>22 MS. HEWITT: Yeah.</p> <p>23 THE WITNESS: I don't recall if I -- I don't</p> <p>24 recall speaking to him, but I may have. The speaking</p> <p>25 and the E-mail dialogue -- I know I E-mailed him for</p> <p>Page 84</p>
<p>1 you went after that up until January 2016. During any</p> <p>2 of those visits -- so, I guess it would be eight to ten</p> <p>3 times that you visited prior to January 2016 -- did you</p> <p>4 ever experience anything that you believed to be was</p> <p>5 localism?</p> <p>6 MR. FRANKLIN: Vague and ambiguous.</p> <p>7 THE WITNESS: I'm going to say when I was on my</p> <p>8 bike and you have a group of guys standing around kind</p> <p>9 of looking at who's coming and going near the bluff, I</p> <p>10 would say that would be a group of guys at their local</p> <p>11 spot being locals, you know. Did they threaten;</p> <p>12 intimidate me? Not -- it was a little intimidating,</p> <p>13 you know. Did they vandalize any of my property? No.</p> <p>14 Did they get all up in my face? No. But they were</p> <p>15 there and looking at who's coming and going.</p> <p>16 BY MS. HEWITT:</p> <p>17 Q And they didn't speak to you; correct?</p> <p>18 A No.</p> <p>19 Q And they didn't approach you?</p> <p>20 A No.</p> <p>21 Q And have you seen groups of guys like</p> <p>22 that at other beaches?</p> <p>23 A Like --</p> <p>24 Q Just like you described, a group of</p> <p>25 guys?</p> <p>Page 83</p>	<p>1 sure; but, as far as on the phone, I don't recall.</p> <p>2 BY MS. HEWITT:</p> <p>3 Q All right. And I think you said that</p> <p>4 you requested extra patrols; correct?</p> <p>5 A Yes.</p> <p>6 Q All right.</p> <p>7 Did any -- were any extra patrols</p> <p>8 provided?</p> <p>9 MR. FRANKLIN: Vague and ambiguous; lacks</p> <p>10 foundation.</p> <p>11 BY MS. HEWITT:</p> <p>12 Q Well, let me ask you this. Okay. So,</p> <p>13 you requested extra patrols for your visit in January</p> <p>14 of 2016; is that correct?</p> <p>15 A Correct.</p> <p>16 Q Okay.</p> <p>17 Do you know if your request was granted?</p> <p>18 MR. FRANKLIN: Lacks foundation.</p> <p>19 THE WITNESS: I can only tell you what I</p> <p>20 experienced, that there was a group of officers that</p> <p>21 was there after I was out of the water.</p> <p>22 BY MS. HEWITT:</p> <p>23 Q On January 2016?</p> <p>24 A January 29th, 2016.</p> <p>25 Q I'm sorry. Thank you.</p> <p>Page 85</p>

1 Did you speak to any of those officers?
2 MR. FRANKLIN: Vague and ambiguous.
3 THE WITNESS: I did.
4 BY MS. HEWITT:
5 Q Okay. And which ones -- sorry. Do you
6 know who you spoke to?
7 A I do not.
8 Q Okay.
9 Okay. Going back to the planning the
10 visit. So, did you and Chris decide to meet up prior
11 to going to Lunada Bay in January of 2016?
12 A Meet up where and when? Your question
13 is --
14 Q I'm sorry. Vague. Okay.
15 With regard to your visit to Lunada Bay
16 with Chris Taloa, did you meet up with him on the day
17 prior to going to Lunada Bay?
18 A On the day prior to going to Lunada Bay?
19 Q Yeah, not the day prior. The day that
20 you went to Lunada Bay, did you meet with him before
21 you got to Lunada Bay?
22 A No.
23 Q Okay.
24 Did you meet at Lunada Bay?
25 A We met at the bay.

Page 86

1 Q Okay.
2 Where did you meet him?
3 A On the street near the rocks.
4 Q Okay.
5 In the complaint, it says that Spencer
6 and other surfers had to pay a security guard \$100 to
7 watch their vehicles to protect the vehicles from
8 vandalism while they surfed. Is that true?
9 A That's true.
10 Q And how did you know you had to pay a
11 security guard \$100 to watch your vehicles to protect
12 the vehicles from vandalism while you surfed?
13 A Well, Chris suggested that it would be a
14 good idea that we pay a security guard, you know, \$100;
15 that we could all chip in towards the \$100. So, I
16 chipped in \$20. How did -- I guess you're asking -- it
17 wasn't a had to, but we felt we had to if we wanted our
18 stuff -- there was no toll booth to go through to pay
19 this security guard, or it wasn't a requirement to take
20 them there. We felt we had to so that our stuff was
21 safe. Does that make sense?
22 Q Sure. And this was Chris' suggestion?
23 A Yes.
24 Q Okay.
25 If Chris had not suggested paying a

Page 87

1 security guard, would you still have gone?
2 A No.
3 Q Okay. So paying the security guard was
4 a requirement for you to visit Lunada Bay that day?
5 MR. FRANKLIN: Misstates the prior testimony;
6 vague and ambiguous.
7 THE WITNESS: He didn't require it, no. Is
8 that what you're getting at?
9 MS. HEWITT: No. I think maybe it's not coming
10 across.
11 Q I think you just testified that you
12 would not have visited Lunada Bay --
13 A I would not have felt comfortable
14 leaving my car without somebody watching it.
15 Q Okay. So for you --
16 A I would not have felt comfortable
17 without him, the security guard, without his presence,
18 that I would -- I didn't feel confident that I would
19 come back to a complete and full, intact car.
20 Q Okay. So, in your mind, you were not
21 going to go surf Lunada Bay in January 2016 unless you
22 had a paid security guard watching the vehicles; is
23 that correct?
24 MR. FRANKLIN: Misstates prior testimony.
25 THE WITNESS: If we didn't have either a paid

Page 88

1 security guard or a trusted friend or friends or
2 somebody that we trusted to watch the cars, I would not
3 have gone surfing.
4 BY MS. HEWITT:
5 Q All right. And why is that?
6 A Going back to the past 30 to 40 years of
7 common knowledge in the surfing community and what has
8 happened; what's been documented to happen, I didn't
9 want to become a victim to what has happened in the
10 past.
11 Q All right. So, going back to the common
12 knowledge again here, did any of that common knowledge
13 come from Chris?
14 A Yeah. We -- we talk about what they do
15 down there.
16 Q Okay.
17 Tell me all the conversations you've had
18 with Chris about what they do down there.
19 MR. FRANKLIN: Vague and ambiguous.
20 THE WITNESS: I can't do that.
21 BY MS. HEWITT:
22 Q All right. Well, tell me the first time
23 he told you what they do down there.
24 A Well, I mean, we discuss the need -- I
25 guess that would have been in discussions on why would

Page 89

<p>1 we need the security guard, on the phone prior to us 2 going down there, I would say, I guess, the week 3 before. 4 Q Okay. 5 What did you discuss in that call with 6 Chris that made you have a personal requirement where 7 you wouldn't go down there to Lunada Bay to surf unless 8 you had someone watching your car? 9 A We just discussed what goes on down 10 there and why it would be a good idea to have somebody 11 watch it, you know, just because of the vandalism 12 that's gone on. 13 Q Okay. Yes, exactly. So tell me exactly 14 what you discussed in that conversation -- 15 A I don't recall specifically. 16 Q -- that would relate to vandalism? 17 A Just -- just in general. 18 Q What in general? 19 A What goes on there in general. 20 Q Well, that's what I'm trying to figure 21 out, and I'm not trying to be -- I'm not trying to be, 22 you know -- 23 MR. FRANKLIN: Argumentative? 24 BY MS. HEWITT: 25 Q -- argumentative or anything. I just</p> <p>Page 90</p>	<p>1 A I -- I recall from Chris a story where 2 -- and I don't recall what family member of his was 3 pretty brutally beat up by some of the Bay Boys, and 4 that's kind of what sparked his movement to go down 5 there and, basically, peacefully take over the bay and 6 I -- you know, I don't remember specifics about the 7 assault or what had happened to his family member, but 8 I know that was kind of his -- his point -- his turning 9 point in deciding to go down there and do something 10 about it. 11 Q And is this something he told you about 12 the assault? 13 A Oh, yeah. I -- and like I said, I don't 14 remember, but it was either a cousin, an uncle, or 15 somebody was beat up. 16 Q Right. 17 Is this something he told you in 18 conversation with you? 19 A Yes. 20 Q Okay. 21 In that conversation a week before you 22 went to Lunada Bay? 23 A Oh, in the week before? Yes. Yeah, we 24 discussed that. 25 Q Okay. And was that the first time you</p> <p>Page 92</p>
<p>1 want to find out here what it is he told you, and you 2 keep telling me what all those -- 3 A I don't remember specifics. 4 Q Let me just finish. 5 I want to know what all goes down there. 6 A You want to know what all goes down 7 there? 8 Q I want to know what he told you. 9 A Slashed tires; broken windows. 10 Q Sir, I want to know what it is he told 11 you -- Chris told you, specifically. 12 A I can't recall specifics. 13 Q Okay. 14 Did he tell you he'd ever experienced 15 any vandalism at Lunada Bay? 16 A I don't recall if he experienced 17 vandalism specifically to him. No, I don't recall 18 that. 19 Q Okay. 20 Did Chris tell you he ever experienced 21 any intimidation at Lunada Bay? 22 A Yes. 23 Q Okay. 24 What did he tell you he experienced with 25 regard to intimidation?</p> <p>Page 91</p>	<p>1 had ever heard about that assault? 2 A Yes. 3 Q All right. 4 Prior to that time, that conversation 5 with Mr. -- with Chris Taloa a week before you went to 6 Lunada Bay in January 2016, had you ever heard any 7 specific accounts of any assaults at Lunada Bay? 8 A Prior to that, not any specifics. And 9 post going there, I've seen news clips of old footage 10 of assaults. 11 Q Okay. 12 Prior to your conversation with 13 Mr. Taloa a week before you went to Lunada Bay in 14 January of 2016, had you ever heard any specific 15 accounts of anybody experiencing vandalism? 16 A I don't -- I don't know who they were or 17 what; but people have told me that, you know, they've 18 had vandalism occur to their cars and I don't -- I 19 can't give you specific names or times or incidents, 20 no. 21 Q Just to be clear, that's before January 22 of 2016? 23 A Yes. 24 Q Somebody -- people have told you 25 specifically that they experienced vandalism at</p> <p>Page 93</p>

<p>1 Lunada Bay?</p> <p>2 A Yes.</p> <p>3 Q Okay.</p> <p>4 About how many people?</p> <p>5 A I don't recall.</p> <p>6 Q And did they tell you --</p> <p>7 A Lots.</p> <p>8 Q Okay.</p> <p>9 Did they tell you what specifically</p> <p>10 happened to them?</p> <p>11 A Slashed tires.</p> <p>12 Q I'm sorry. Go ahead. I interrupted</p> <p>13 you.</p> <p>14 A Go ahead.</p> <p>15 Q Okay.</p> <p>16 How many people told you they</p> <p>17 experienced slashed tires?</p> <p>18 A Many. I don't recall.</p> <p>19 Q Did these people tell you they filed</p> <p>20 police reports?</p> <p>21 A Not -- I don't recall anybody that I've</p> <p>22 spoke to saying specific police reports being filed.</p> <p>23 Q And these people that told you about</p> <p>24 getting their tires slashed, where did you come into</p> <p>25 contact with these people?</p> <p>Page 94</p>	<p>1 that. They -- they know things that have happened to</p> <p>2 them, their friends, their family, and they share those</p> <p>3 stories with you; so, I don't know who these people</p> <p>4 are.</p> <p>5 Q And you don't know if the stories are</p> <p>6 true; right?</p> <p>7 MR. FRANKLIN: Argumentative; vague and</p> <p>8 ambiguous.</p> <p>9 THE WITNESS: I can't testify. I can't -- you</p> <p>10 know, if I don't have personal knowledge, I, of course,</p> <p>11 can't say that they're true or not.</p> <p>12 BY MS. HEWITT:</p> <p>13 Q So the people that you're aware of that</p> <p>14 told you that they had their tires slashed, do you have</p> <p>15 any understanding of whether they could be part of the</p> <p>16 class in this matter?</p> <p>17 A Well --</p> <p>18 MR. FRANKLIN: Calls for a legal conclusion.</p> <p>19 THE WITNESS: Anybody who wants to access the</p> <p>20 beach can be part of the class if they feel they have</p> <p>21 been denied access there or have been harassed or</p> <p>22 assaulted.</p> <p>23 BY MS. HEWITT:</p> <p>24 Q How about these people who told you that</p> <p>25 they had tires slashed at Lunada Bay?</p> <p>Page 96</p>
<p>1 A Just around the beach.</p> <p>2 Q Which beach?</p> <p>3 A All beaches. I don't mean to be</p> <p>4 argumentative myself, but the surfing world is very --</p> <p>5 you're in the water. You're surfing, and you just talk</p> <p>6 to people. You come and go, and you might not see them</p> <p>7 for months or weeks on end; and, then, you see them</p> <p>8 again in the water, and you start talking to them. You</p> <p>9 know, it's just -- it's very vague and ambiguous.</p> <p>10 Sorry. But that's -- you just -- you just talk to</p> <p>11 people, and you find out things.</p> <p>12 Q Did you make an effort to go back and</p> <p>13 talk to any of these people who told you that they</p> <p>14 experienced slashed tires and go back and tell them</p> <p>15 about this lawsuit?</p> <p>16 A Go back?</p> <p>17 Q Or go find them and tell them?</p> <p>18 A Since I can't really recall who they</p> <p>19 were, no.</p> <p>20 Q Do you remember the beaches you heard</p> <p>21 this at?</p> <p>22 A Definitely El Porto, talking to various,</p> <p>23 you know, people. I mean, I can go back to Tom. I</p> <p>24 mean, you know, Tom is the guy that's been around</p> <p>25 El Porto for years; and, you know, just people like</p> <p>Page 95</p>	<p>1 A Oh, they'd be prime. I'm sure they'd be</p> <p>2 prime people.</p> <p>3 Q Are you planning to make any efforts to</p> <p>4 identify them?</p> <p>5 A I don't know who they are, ma'am.</p> <p>6 Q All right. And Tom Blair -- you just</p> <p>7 mentioned Tom Blair again. Did he tell you that he had</p> <p>8 his tires slashed?</p> <p>9 A No.</p> <p>10 Q Okay. I misunderstood.</p> <p>11 Okay. All right. So, who located the</p> <p>12 security guard that went with you in January of 2016?</p> <p>13 A It was a friend of Chris'. I don't know</p> <p>14 his name.</p> <p>15 Q Friend of Chris'; okay.</p> <p>16 A Chris said he worked security. He's</p> <p>17 very competent; so, I was going on trust and belief</p> <p>18 that that was the case.</p> <p>19 Q Okay. And did the security guard meet</p> <p>20 you at Lunada Bay?</p> <p>21 A He came with Chris.</p> <p>22 Q Oh, he came with Chris. Okay.</p> <p>23 All right. And so, as far as you know,</p> <p>24 Chris would have his contact number?</p> <p>25 A Yes.</p> <p>Page 97</p>

<p>1 Q You don't remember a name or anything 2 like that? 3 A I don't remember a name. 4 Q Okay. Fair enough. 5 All right. So, the next sentence in the 6 complaint starting at the end of 17, sir, and going to 7 18 states (as read): 8 "Upon arrival, members of the 9 Defendant LUNADA BAY BOYS told him, 'you 10 can't surf here kook.'" 11 Okay. About how long after you arrived 12 do you recall that occurred? 13 A Almost instantaneously after you get 14 your boards; so, after we arrived, I would say, 15 approximately, within 20 to 30 minutes. 16 Q Okay. 17 Were you already getting ready to surf? 18 A Yes. 19 Q Okay. All right. And, then, I forgot 20 to ask you. You said, "when we arrived." Who was the 21 "we"? 22 A Chris and security guard -- 23 Q Okay. 24 A -- guy. 25 Q So, in the end, it was just you two? It</p> <p style="text-align: right;">Page 98</p>	<p>1 Q Did you tell the direction where it came 2 from or anything like that? 3 A To my north. 4 Q Okay. But you couldn't tell who said 5 it? 6 A No. 7 Q Oh, okay. I see. 8 A It's -- it was kind of sunrise, dawn. 9 Q Okay. 10 When you first got down to the beach, 11 could you see any other people there? 12 A There was a few people, and I'm assuming 13 members of the Bay Boys at the -- way out at the point 14 on the fort. 15 Q About how many people -- I'm sorry. Did 16 I interrupt you? 17 A I couldn't recall a specific number but 18 just a few. 19 Q More or less than five? 20 A I would say right around five. 21 Q Okay. And about how far were you from 22 those -- those people when you heard the, "You can't 23 surf here kook"? 24 MR. FRANKLIN: Assumes facts not in evidence. 25 THE WITNESS: Yeah, I didn't first hear that up</p> <p style="text-align: right;">Page 100</p>
<p>1 wasn't the six to eight? 2 A Not in the beginning, no. 3 Q Okay. So, when you went down to prepare 4 to surf, it was you and Chris and the security guard? 5 MR. FRANKLIN: Misstates testimony. 6 BY MS. HEWITT: 7 Q Is that right? Or if it's wrong, go 8 ahead and tell me. 9 A Chris and I and the security guard. 10 Q Okay. 11 A Yes. 12 Q And did the security guard stay by the 13 cars? 14 A He stayed up with the cars. 15 Q Okay. All right. 16 When you first got to the beach that day 17 and you're getting ready to surf, and you heard someone 18 say, "You can't surf here kook," were you able to 19 understand or were you able to identify who said that 20 to you? 21 A No. 22 Q Okay. 23 Did you see a group of people from whom 24 it came from? 25 A A group of people?</p> <p style="text-align: right;">Page 99</p>	<p>1 on the beach. That was up on the bluff. 2 MS. HEWITT: Oh, my mistake. 3 THE WITNESS: It's almost from the time you're 4 leaving your car. It started well before the beach. 5 MS. HEWITT: Okay. 6 Q Did you feel that it was directed 7 towards you and Chris? 8 A Yes. We were the only ones, other than 9 maybe a few other guys up on the bluff, who didn't seem 10 to be getting called names or telling them that they 11 can't surf there; so, yes, it was directed at us, in my 12 opinion. 13 Q Okay. All right. 14 What did you do right after you heard 15 that statement? 16 A I made it a point -- and this is based 17 on conversation with Chris prior to even going there -- 18 that we were going to just ignore any comments and just 19 go about our business trying to get to the beach safe; 20 out in the water safe; surf safe; and just ignore any 21 comments; any, you know, mad, hard looks, you know, 22 anything like that; and, so, that's what I did. 23 Q So what did you do in order to 24 accomplish that? 25 A What -- just ignore them.</p> <p style="text-align: right;">Page 101</p>

<p>1 Q Okay.</p> <p>2 Can you tell me what you did up until</p> <p>3 the point when you were on your second wave?</p> <p>4 MR. FRANKLIN: Vague and ambiguous.</p> <p>5 THE WITNESS: What do you mean?</p> <p>6 BY MS. HEWITT:</p> <p>7 Q So you heard the statement, "kook"?</p> <p>8 A Okay.</p> <p>9 Q And you said you were going to ignore</p> <p>10 them?</p> <p>11 A And several others.</p> <p>12 Q What were the other things that you</p> <p>13 heard?</p> <p>14 MR. FRANKLIN: Calls for a narrative.</p> <p>15 THE WITNESS: Let's see. Specifically, you</p> <p>16 know, "How many other places did you pass to get here</p> <p>17 to surf?"</p> <p>18 Can we say expletives or --</p> <p>19 MS. HEWITT: Sure.</p> <p>20 THE WITNESS: You want --</p> <p>21 MS. HEWITT: Sure.</p> <p>22 THE WITNESS: You know, why -- basically, "Why</p> <p>23 don't you fucking go home, you fucking kook"; and I</p> <p>24 mentioned already, "How many other good places did you</p> <p>25 pass to come here?" Those are the ones that stand out.</p> <p>Page 102</p>	<p>1 specific individual, who I could identify. I don't</p> <p>2 know his name. Same things. It was more of a -- more</p> <p>3 of a closer, I guess, encounter with the same language</p> <p>4 all the way down the trail; jumping into the water;</p> <p>5 same individual just keep, you know, heckling.</p> <p>6 Q And when you say you could identify them</p> <p>7 but you don't know their name, do you mean you can</p> <p>8 describe what they look like?</p> <p>9 A This guy, I can describe what he looks</p> <p>10 like.</p> <p>11 Q Okay.</p> <p>12 What did he look like?</p> <p>13 A He was a male white, probably 45 to 50</p> <p>14 years old; around six foot; one -- probably 185; black</p> <p>15 wetsuit and a hood and a colorful surfboard that was</p> <p>16 attached to his arm -- meaning he was holding it,</p> <p>17 yellow, orange, blue; and I saw him prior to that --</p> <p>18 so, I saw that same figure, not knowing if it's</p> <p>19 specifically him but on a good guess, with the same</p> <p>20 board, that that guy was walking across the bluff is</p> <p>21 when he first picked up on us, and he was fully</p> <p>22 clothed, light-blue sweatshirt with a hood, blue jeans,</p> <p>23 tennis shoes, and I don't recall if he had a hat or</p> <p>24 not, but dark hair.</p> <p>25 Q Okay. All right.</p> <p>Page 104</p>
<p>1 BY MS. HEWITT:</p> <p>2 Q Were there others?</p> <p>3 A There may have been.</p> <p>4 Q And did these all occur within those 20</p> <p>5 minutes?</p> <p>6 A Yes.</p> <p>7 Q Okay.</p> <p>8 Did any --</p> <p>9 A That's how it is when you go there.</p> <p>10 Q Okay.</p> <p>11 Did anything else occur in those first</p> <p>12 20 minutes after you arrived at Lunada Bay that caused</p> <p>13 fear?</p> <p>14 MR. FRANKLIN: Vague and ambiguous.</p> <p>15 MS. HEWITT: Well, actually, I'm going to</p> <p>16 withdraw that.</p> <p>17 Q Did these statements cause fear for you?</p> <p>18 A Yeah.</p> <p>19 Q Okay.</p> <p>20 A Yes. Sorry.</p> <p>21 Q Did anything else occur in the 20</p> <p>22 minutes that caused fear for you?</p> <p>23 A Yes.</p> <p>24 Q What was that?</p> <p>25 A More -- more of the same statements by a</p> <p>Page 103</p>	<p>1 Anything else occur in those first 20</p> <p>2 minutes that caused you fear?</p> <p>3 A No. That was -- that was it. The name</p> <p>4 calling and the telling us to get out of there, and</p> <p>5 that was all that I can recall now.</p> <p>6 Q Okay.</p> <p>7 Between the end of that first 20 minutes</p> <p>8 and the time when you were on your second wave of</p> <p>9 Lunada Bay, did anything else occur to cause you fear?</p> <p>10 A Yes.</p> <p>11 Q Okay. What was that?</p> <p>12 A A very uncomfortable feeling when the --</p> <p>13 who I now know -- did not know at the time -- was</p> <p>14 Defendant Blakeman paddling around myself and Chris</p> <p>15 and, more specifically, Chris in a very tight circle;</p> <p>16 blocking Chris from getting any waves; never saying a</p> <p>17 word; just looking -- staring at both he and I. That</p> <p>18 was a little weird; fearful. I've never experienced</p> <p>19 that before in my life in the water like -- kind of</p> <p>20 like a circling you like a shark. You know, it was</p> <p>21 weird -- just weird.</p> <p>22 Q Okay. And was that during while you're</p> <p>23 getting ready to catch a first wave?</p> <p>24 A Yeah -- yes, from --</p> <p>25 Q Okay.</p> <p>Page 105</p>

<p>1 A -- basically, the time we got in the 2 water. 3 Q Okay. 4 Anything else up until the time of your 5 second wave? 6 A Same comments from the original guy I 7 described, talking to -- they were talking to some guys 8 on the point in the fort back and forth; and, then, a 9 couple guys in the water, one of them being Blakeman 10 and I don't -- I just know they were talking to each 11 other. They were -- it was like you could tell they 12 knew each other. 13 Q Okay. 14 A And that was, again, a little 15 unsettling. 16 Q Okay. 17 In the next sentence, it says, "Once in 18 the water ..." -- looking at your -- at the complaint 19 (as read): 20 "Once in the water, on his 21 second wave at Lunada Bay, a member 22 of Defendant LUNADA BAY BOYS intentionally 23 ran Spencer over with his surfboard and 24 sliced open Spencer's hand." 25 Is that true?</p> <p style="text-align: right;">Page 106</p>	<p>1 intentionally ran you over with the surfboard? 2 A Well, how did I determine somebody 3 intentionally? 4 Q Well, that's a bad question. How do you 5 know that the person who ran you over with the 6 surfboard intentionally did that? 7 A I'm not in his brain; but I have surfed 8 for, you know, 30 years, and you can tell when somebody 9 locks eyes with you and is on one path, and they 10 specifically move their board and maneuver their body 11 to make their board go in another path that's directly 12 at you when they could go the more safer, more better 13 part of the wave being closer to the more critical part 14 of the wave, which is more enjoyable to surf than 15 aiming towards somebody paddling out to get back out to 16 the lineup. In my mind, I determined that, hey, this 17 guy tried to run me over. 18 Q Okay. 19 A That's how I determined it. 20 Q And what part of the surfboard cut your 21 hand? 22 A It would be one of -- not knowing which 23 one, the right or the left, of a -- I'm trying to 24 describe it for the court reporter and you, but it 25 would be a thruster setup or a three-scag model</p> <p style="text-align: right;">Page 108</p>
<p>1 A Yes. 2 Q All right. 3 Which hand was that? 4 A The right wrist. 5 Q Okay. 6 A With about a half-inch scar. 7 Q Do you mind showing it to me? 8 A Right there. 9 Q Okay. Okay. Thank you. 10 MR. WORGUL: Do you mind if I take a picture of 11 it? 12 THE WITNESS: I'd have to refer to counsel. 13 MR. FRANKLIN: That's fine. 14 THE WITNESS: Go ahead. 15 MS. LUTZ: Sorry. Can I see? Thank you. 16 MR. WORGUL: Mr. Spencer, if you don't mind. 17 And could you just take the pen and just point to where 18 it is so we can know right where you're showing us? 19 (Whereupon, the witness complies.) 20 MR. WORGUL: Okay. Thank you. 21 THE WITNESS: Uh-huh. 22 MS. HEWITT: Thank you, Mr. Spencer. 23 THE WITNESS: Yep -- yes. 24 MS. HEWITT: All right. 25 Q How did you determine that somebody</p> <p style="text-align: right;">Page 107</p>	<p>1 surfboard, a surfboard having three fins or scags on 2 the bottom. I don't know which of those three traveled 3 over my right wrist and slit it open. 4 Q Okay. 5 When -- right after that occurred, what 6 was the next thing that you did? Or, rather, what did 7 you do? 8 A Well, I don't know how to -- we're not 9 describing how I got to that point, though. 10 Q No. Right after your hand was cut, what 11 was the next -- what did you do? 12 A After my hand was cut? 13 Q Yes. 14 A I continued paddling on my path to get 15 out to the lineup. 16 Q Okay. So this occurred -- 17 A With that individual who ran -- just ran 18 me over; start berating me with comments of, you know, 19 "What are you" -- "What are you fucking doing out here?" 20 I told you to go home. I should have ran you over. 21 Why are you paddling in the sun glare where I can't see 22 you?" And that's it. "I should have ran you over." 23 Q Did you get knocked off your surfboard? 24 A So now we're backing up to the point -- 25 Q Correct, we are.</p> <p style="text-align: right;">Page 109</p>

<p>1 A Okay. So once we locked eyes and I saw 2 him veer and steer his board in my direction to -- to 3 run over myself, I was paddling west out to the ocean. 4 He was coming in east towards the shore, and I rolled 5 off the left side of my board, and my hand was up -- 6 left high up on top of my board, and that's when he ran 7 over the wrist. 8 Q Okay. 9 Did you continue to surf after that 10 occurred? 11 A Yes. 12 Q Did you say anything to the person whose 13 surfboard cut your hand? 14 A After he made the comment that, "I 15 should have ran you over," I says, "Well, you did," and 16 I held up my hand and showed him, and that's when he 17 said, you know, "Why are you paddling where I can't see 18 you? You shouldn't paddle in the sunlight," stuff like 19 that. Then I kept paddling off. 20 Q Were you fearful of being further 21 injured after that point? 22 A That's an understatement. 23 Q So is the answer yes? 24 A Yes. 25 Q Okay.</p> <p style="text-align: right;">Page 110</p>	<p>1 nowhere thing. 2 Q Do you feel that was the case even 3 though you're a police officer? 4 A I don't get it. 5 Q Did you think that your -- your 6 recitation of what had happened would carry more weight 7 since you're a police officer? 8 MR. FRANKLIN: Calls for speculation. 9 THE WITNESS: You know, when I'm not on duty, 10 the best thing I can be is a good witness, and that's 11 how I've lived the last 20-some years. I don't -- I 12 don't ever throw out off duty that I'm a police 13 officer; that you should treat me any different than 14 anybody else in the public because I'm a police 15 officer, and I didn't throw it out then. I didn't see 16 a need to. I didn't think that it would do any good 17 after the damage that was already done. You know, in 18 retrospect, you know, I don't know. It still would 19 have been a "He said ..."; "He said ..."; and I don't 20 see the need to engage that type of violent behavior 21 any more than it had already played itself out. The 22 best thing I thought I could do is paddle out like I 23 did and just get away from him. 24 MS. HEWITT: Okay. 25 Q Did you, at that point, have any fear</p> <p style="text-align: right;">Page 112</p>
<p>1 Did you feel that what had occurred to 2 you getting your hand cut and the way it happened was a 3 crime? 4 A I know it was a crime. 5 Q Did you tell him it was a crime and that 6 you were a police officer? 7 A I did not. 8 Q Why not? 9 A The way his explanation was going down 10 the road of, basically, avoiding taking any 11 responsibility for his actions; blaming it on the sun; 12 blaming, you know, me paddling where I'm not supposed 13 to be paddling -- I was paddling exactly where you're 14 supposed to paddle to avoid injury; to avoid conflict 15 with any other surfers. I was paddling back to the 16 channel, which basically gets away from the critical 17 part of the wave, which is where he should have been 18 surfing when he redirected his path to run me over. 19 You know, in my opinion, yeah, it was a 20 crime. Did I report it? It's going to be with no 21 witnesses there; no police officers in the water, as 22 there could have been; no police officers down on the 23 beach, as there could have been; on the fort, as there 24 could have been; nothing to corroborate my story, it 25 would have been a "He said ..."; "He said ..." go</p> <p style="text-align: right;">Page 111</p>	<p>1 that the same thing would happen to your friend, Chris? 2 A Yeah -- yes. 3 Q Okay. 4 A It came alive. All those stories of 30 5 or 40 years just happened. 6 Q And given that you had that fear, did 7 you consider that in order to avoid it potentially 8 happening to Chris, that, perhaps, you should take some 9 actions as a police officer -- and I think you said 10 that you felt it was a crime -- to prevent that from 11 happening to Chris? 12 MR. FRANKLIN: Vague and ambiguous. 13 THE WITNESS: I felt the best plan of action 14 was to stay clear of these guys, especially since they 15 just assaulted us. I've got no radio. I've got no 16 handcuffs. I've got no gun; no bullet-proof vest. I'm 17 not a police officer out there. I'm a citizen; okay? 18 And the best plan of action was to avoid them; and that 19 was almost, I mean, impossible, when you got a guy 20 circling around you -- not the guy that ran me over but 21 they're all -- they all know each other, and here's the 22 guy that just injured me. He knows his buddy is 23 circling my friend; and, so, it's like let's get out of 24 here; so we caught one more wave after that; and, then, 25 we decided that was -- it's getting too crazy out here,</p> <p style="text-align: right;">Page 113</p>

<p>1 and more and more started showing up on the fort. 2 BY MS. HEWITT: 3 Q More and more what? 4 A Bay Boys. 5 Q Bay Boys? 6 A Yeah. 7 Q Okay. 8 How about the other people that were 9 supposed to come with you that day? Did they ever 10 appear? 11 A So, after we got out of the water, there 12 were -- and Chris knows all these guys. There was 13 probably maybe six more -- six more people up top that 14 were, you know, supposed to come out with us early, but 15 some guys have different ideas of early; so ... 16 Q Okay. 17 So after the second wave, you -- you and 18 Chris got out of the water; is that correct? 19 A Third. I caught one more. I don't 20 know. Chris caught a lot of waves. Before I would say 21 maybe -- I don't know how many he got. Probably double 22 what I got. I got three; so, maybe he got more. I 23 don't know. But after my third one is when we got out. 24 Q So after your hand was cut, how many 25 more waves did you surf?</p> <p style="text-align: right;">Page 114</p>	<p>1 the six more people who were still on top that came 2 later to meet you? Did you talk to them? 3 MR. FRANKLIN: Misstates the testimony. 4 THE WITNESS: Just briefly, introductions. I 5 don't remember any specific conversation other than, 6 you know, "Hi" -- "Hi" type friend of Chris'. Other 7 than that, I -- I don't recall. 8 BY MS. HEWITT: 9 Q Did any of them tell you that they were 10 verbally harassed or had any of those similar 11 statements said to them? 12 A On that day? 13 Q Yes. 14 A I don't recall anybody saying that on 15 that day, no. 16 Q Did anybody say that they saw you get -- 17 did anybody say that they saw the incident in which 18 your hand was sliced open? 19 A I don't recall. 20 Q Did you tell any of those people about 21 that? 22 A Yeah. Yeah, I believe I showed them all 23 my hand and, you know. 24 Q What did you tell them about that? 25 A Just, basically, the incident; what</p> <p style="text-align: right;">Page 116</p>
<p>1 A One. 2 Q After you got cut, how many more waves 3 did Chris surf? 4 A I don't -- I don't know specifically. 5 It wasn't many. I couldn't give you a number. I was 6 kind of -- I was getting a little hypothermic. I was 7 bleeding. I wanted to kind of stay in the cool water 8 at least a little while longer to let the cold help 9 with the cut. I was getting a little frail mentally 10 'cause it was in my -- my fault was having a 10 to 11 12-year-old wetsuit in the middle of winter, and I got 12 cold; getting hypothermic. Now I'm injured, and I was 13 worried about getting one more wave and getting out of 14 there. 15 Q Did you tell Chris about your injury? 16 A Yes. 17 Q And when did you tell him that? 18 A Shortly after it happened. 19 Q All right. 20 While you were still in the water? 21 A Yes. 22 Q And did Chris tell you whether or not he 23 saw the incident once your hand was cut? 24 A I don't recall if he saw it or not. 25 Q When you left the water, did you talk to</p> <p style="text-align: right;">Page 115</p>	<p>1 happened. I got ran over in the water by one of them. 2 Q I'm sorry for interrupting. I'm sorry. 3 A No problem. 4 Q Did you tell them it was intentional? 5 A Yeah -- yes. 6 Q And what did they say? 7 A I don't -- I don't recall any specific 8 conversation. 9 Q Did those people go on to surf, if you 10 know? 11 A I know several that did not. I know -- 12 I believe one -- and I don't even know who he is -- 13 went. Two, and I don't know if Diana went -- I know 14 two for sure went to surf after I had left. 15 Q Okay. And who is Diana? 16 A Another plaintiff. 17 Q So she was there in January 2016? 18 A Yes. 19 Q Okay. 20 Did you know her before that date? 21 A No. 22 Q Did you meet her for the first time that 23 day? 24 A Yes. 25 Q Okay.</p> <p style="text-align: right;">Page 117</p>

<p>1 Did you know the names of any other 2 person that was there that day, you know, part Chris' 3 big group? 4 A Prior to going there? 5 Q Right now can you tell me -- 6 A I met everybody that day. 7 Q Okay. 8 Can you tell me the names of everybody 9 that you remember? 10 A No, I cannot. 11 Q Besides Diana? 12 A Oh, that I remember? 13 Q That you remember. 14 A Chris Taloa, Jordan Wright, Diana -- I 15 don't know if her name is Milena or Reed or 16 Milena Reed. I can't remember. Diana Milena Reed, I 17 believe, is her name; a guy named Kenny. That's all I 18 can remember. 19 Q Okay. 20 Had you ever met Jordan Wright before 21 that day? 22 A No. 23 Q And did you ever meet Diana again in 24 person? 25 A Yes.</p> <p style="text-align: right;">Page 118</p>	<p>1 So you met Diana Milena Reed the first 2 time January 29, 2016. When is the next time you met 3 her? 4 A Several days after, and I don't remember 5 how many days after. But, again, when the waves are 6 good, you're going to go. However, I didn't surf. I 7 was -- I designated myself -- so we wouldn't have to 8 pay anybody and I was -- didn't have a good wetsuit and 9 I was injured -- to be the car watcher. 10 Q Okay. So we'll get to that in a little 11 bit here. 12 Other than the January 29, 2016 visit to 13 Lunada Bay, did you have any other incidents in January 14 of 2016 at Lunada Bay? 15 MR. FRANKLIN: Vague and ambiguous. 16 THE WITNESS: That's correct. Because -- 17 BY MS. HEWITT: 18 Q Okay. Related to the claims in this 19 case. Was there any -- did you experience any 20 harassment or intimidation or vandalism at Lunada Bay 21 other than the January 29, 2016 visit that you 22 described? 23 A Yes. 24 Q Okay. 25 When was that?</p> <p style="text-align: right;">Page 120</p>
<p>1 Q Okay. 2 About how many times have you met Diana 3 in person? 4 A In person? Including that day, one, two 5 -- I think only three. 6 Q Okay. And during any of those meetings, 7 were your attorneys present? 8 A They were. 9 Q All right. 10 How many of those meetings? 11 A I believe just one, to my recollection. 12 Q Okay. And the other one and other than 13 this first meeting at the beach, did you discuss the 14 Lunada Bay Boys or localism or anything like that? 15 A In the other one? 16 Q Other meeting. Sorry. 17 A Not with the attorneys? 18 Q Right. 19 A Like discuss specifically? 20 Q Yeah, talk about it at all; talk about 21 these allegations. 22 A Not these allegations 'cause we didn't 23 have the claim then. It was several days after. 24 Q Okay. That's -- thank you for 25 clarifying that.</p> <p style="text-align: right;">Page 119</p>	<p>1 A Again, several days after. I'm not 2 exactly sure of the day. 3 Q Well, let me stop you right there only 4 because in the complaint, if you look at the complaint, 5 Mr. Spencer, towards the bottom of page 12, it says 6 (as read): 7 "In February, Spencer returned 8 a second time with Jordan Wright and 9 others" 10 A That would be the day. 11 Q Okay. Just backing up to make sure we 12 cover all of January. 13 A Oh, okay. 14 Q So were there any other instances or 15 incidents in January of 2016 that you can remember? 16 A No. 17 Q Okay. 18 All right. And, then, going back real 19 quickly to the January 29, 2016 visit, did you witness 20 any harassment or violence towards anybody else other 21 than what you've described with regard to the verbal 22 statements and such? 23 MR. FRANKLIN: Vague and ambiguous; misstates 24 prior testimony. 25 THE WITNESS: See, I'm -- I remember an</p> <p style="text-align: right;">Page 121</p>

<p>1 incident, but I'm not sure now if it's on the</p> <p>2 January 29th day or the February day. I'm not sure</p> <p>3 what that second incident was; so. I can't remember</p> <p>4 if --</p> <p>5 MS. HEWITT: Okay. We'll --</p> <p>6 THE WITNESS: I think it was in February.</p> <p>7 MS. HEWITT: Okay. And I'll make sure to ask</p> <p>8 you about that.</p> <p>9 Q Going back to the January visit, I think</p> <p>10 earlier you said that you did not --</p> <p>11 A It was -- I'm sorry.</p> <p>12 Q That's okay. Go ahead.</p> <p>13 A It was the January day another --</p> <p>14 another thing.</p> <p>15 Q Okay. Go ahead and tell me what that</p> <p>16 is.</p> <p>17 A That was some interaction -- 'cause I</p> <p>18 remember I was getting changed; so, I was in the water</p> <p>19 that day. That was an individual who came up to Chris</p> <p>20 and started to engage him in some conversation</p> <p>21 regarding why it is that they -- meaning the Bay Boys</p> <p>22 -- act the way they do and keep the bay the way they</p> <p>23 do.</p> <p>24 Q All right. So, this is this other</p> <p>25 person telling Chris those things; is that right?</p> <p>Page 122</p>	<p>1 A So, I didn't know who it was at the</p> <p>2 time, but it was Defendant Lee came up to Chris and I,</p> <p>3 as we were changing out of our wetsuits. I mean, it</p> <p>4 seemed like he started out basically questioning, you</p> <p>5 know, why do we keep coming back. It's never going to</p> <p>6 change here. This is the way it's been for, you know,</p> <p>7 as long as he's been coming there. This is the way</p> <p>8 it's been for, you know, years. And, then, he wanted</p> <p>9 to bring up that incident that I'd mentioned earlier</p> <p>10 where Chris' family member was assaulted, and I</p> <p>11 remember Mr. Lee telling kind of his personal story,</p> <p>12 how he became a Bay Boy to Chris; how -- how it is</p> <p>13 there; how one works their way into, you know, the</p> <p>14 little -- the gang they have going. He just kept</p> <p>15 describing, basically, why they enforce it the way they</p> <p>16 do; and, you know, Chris really was just trying to -- I</p> <p>17 remember Chris saying, "Hey, we'll talk another time.</p> <p>18 We'll talk another time," and he just kept coming at</p> <p>19 him and coming at him, rehashing the same dialogue. It</p> <p>20 was like, you know, are you trying to overwhelm or, you</p> <p>21 know, berate me with this stuff or whatever, but it</p> <p>22 wasn't directed at me.</p> <p>23 Q Okay.</p> <p>24 A I don't know if he felt harassed, going</p> <p>25 back to your original question.</p> <p>Page 124</p>
<p>1 A That's correct.</p> <p>2 Q All right.</p> <p>3 Did you hear any profanity in that</p> <p>4 conversation?</p> <p>5 A Profanity? Yes.</p> <p>6 Q Okay. So tell me what -- and did you</p> <p>7 hear any threats in that conversation?</p> <p>8 A No threats.</p> <p>9 Q Okay.</p> <p>10 Did you hear any harassment in that</p> <p>11 conversation?</p> <p>12 MR. FRANKLIN: Vague and ambiguous.</p> <p>13 THE WITNESS: You know, it wasn't directed at</p> <p>14 me; so, I don't know if he felt harassed or not.</p> <p>15 BY MS. HEWITT:</p> <p>16 Q Did he ever tell you -- I'm sorry. I</p> <p>17 interrupted you. Go ahead.</p> <p>18 A I know if that line of dialogue was</p> <p>19 directed to me, I think I would feel harassed.</p> <p>20 Q Okay. And what dialogue was that?</p> <p>21 A It was basically -- it was basically an</p> <p>22 individual -- and I don't know if you want me to</p> <p>23 identify him now or you want to ask me.</p> <p>24 Q Sure. If you know who that individual</p> <p>25 is.</p> <p>Page 123</p>	<p>1 Q Okay.</p> <p>2 Now, with regard to what occurred to</p> <p>3 you, any of the things that you described for that</p> <p>4 January 2016 visit to Lunada Bay, is it correct that</p> <p>5 you did not report that to the City of Palos Verdes</p> <p>6 Estates Police Department?</p> <p>7 MR. FRANKLIN: Vague and ambiguous.</p> <p>8 THE WITNESS: Are you talking about my hand?</p> <p>9 BY MS. HEWITT:</p> <p>10 Q Yes, or anything that happened to you</p> <p>11 that day?</p> <p>12 A I did not request a formal police</p> <p>13 report, no. I did not.</p> <p>14 Q Okay.</p> <p>15 Did you communicate to anybody at the</p> <p>16 City of Palos Verdes Estates Police Department with</p> <p>17 regard to what occurred to you that day at Lunada Bay?</p> <p>18 MR. FRANKLIN: Vague and ambiguous.</p> <p>19 THE WITNESS: Yes.</p> <p>20 BY MS. HEWITT:</p> <p>21 Q Okay. When was that?</p> <p>22 A So, shortly after getting changed, I</p> <p>23 noticed the group of police officers standing to my</p> <p>24 south talking with what appeared to be another group of</p> <p>25 newly-formed Bay Boys.</p> <p>Page 125</p>

<p>1 So, the bay is a bay. There's a north 2 and a south end. The south group had, you know, trucks 3 and cars and guys standing kind of huddled around in a 4 group of guys, and the police officers were kind of 5 towards the south. They weren't right up next to the 6 group. And I did notice that a couple of police 7 officers appeared to be talking with a few members of 8 the group; and, so, I made a point, because there was, 9 in my opinion -- and I don't know if it was directed by 10 my contacts with the captain or whatnot, but I noticed 11 the group of police officers; so, I personally wanted 12 to go over and tell them, you know, "Hey, thanks for 13 showing up," you know. "We appreciate it." You know, 14 and the one younger officer -- I don't know his name. 15 I didn't get any of their names. I, basically, you 16 know, told him what happened to me down there, you 17 know; showed him my hand and -- and I told him, I says, 18 you know, "The guy is going to claim sun glare and 19 whatnot." I just didn't want to -- I knew where it was 20 going to go. "He said ..."; "He said ..."; and, no, he 21 didn't offer to take a report. You know, he didn't ask 22 me to point anybody out. I know you're going to ask 23 all these questions; so, we'll just cut to the chase. 24 Q He did not offer to take a report; 25 right?</p> <p>Page 126</p>	<p>1 Q Did the police officers have any 2 recommendations for you? 3 A No. 4 Q And I'm sorry. Again, because I don't 5 know these things, but is not requesting a formal 6 report, is that the same thing as whether or not you 7 pressed charges? 8 A Yes. 9 Q Okay. So you didn't press charges? 10 A The reason you want a police report 11 taken is because you have a criminal action done to you 12 and you want -- 13 Q Got it. 14 A -- to have them criminally, you know, 15 prosecuted. 16 Q Okay. 17 A That's why we take police reports. 18 Q Okay. 19 Other than the officers you spoke to 20 that day, did you speak to any other 21 City of Palos Verdes Estates police officers about what 22 occurred on January 29, 2016? 23 MR. FRANKLIN: Vague and ambiguous. 24 BY MS. HEWITT: 25 Q Let's start -- we'll start with, like,</p> <p>Page 128</p>
<p>1 A Right. 2 Q Okay. 3 A But, again, I thanked him for being down 4 there, you know, for what I felt a response to my 5 E-mail without knowing for sure. 6 Q Okay. And you said that you didn't ask 7 for a formal report; is that right? 8 A That's correct. 9 Q Okay. 10 A Just as I stated several minutes ago, it 11 wasn't ... 12 Q Did you ask for any sort of follow-up 13 action to be taken? 14 MR. FRANKLIN: Vague and ambiguous. 15 THE WITNESS: No, not that I can recall. 16 BY MS. HEWITT: 17 Q And you said that you showed them your 18 hand, or you told them about your hand? 19 A No, I showed them. I showed a lot of 20 people my hand. 21 Q You showed the police officers there 22 that day? 23 A Like I showed all of you here, I showed. 24 Q You showed the police officers? 25 A Yes.</p> <p>Page 127</p>	<p>1 face-to-face communications. 2 A On that day? 3 Q At any time. 4 A So, in the February day, whatever day 5 that was -- 6 Q Uh-huh. 7 A -- when I was back there, there was a 8 smaller number -- 'cause I sent -- I believe it was 9 just E-mail. Another E-mail, "Hey, we're coming back." 10 And on the February day, there was a smaller group of 11 officers. I think there was only two or three that I 12 saw plus the sergeant, and I recognized the sergeant. 13 He used to work for El Segundo. 14 MS. HEWITT: Okay. All right. The peanut 15 gallery is hungry. I'm sorry. I didn't see the time 16 going by. Are you ready to break for lunch? 17 THE WITNESS: Let's do it. 18 MS. HEWITT: All right. Let's go off the 19 record. 20 (A recess was taken for lunch at 21 12:47 p.m. until 1:42 p.m.) 22 //// 23 //// 24 //// 25 ////</p> <p>Page 129</p>

<p>1 Los Angeles, California</p> <p>2 Tuesday, October 11, 2016, 1:42 p.m.</p> <p>3 -oOo-</p> <p>4</p> <p>5 AFTERNOON SESSION</p> <p>6</p> <p>7 (All appearances remain as heretofore</p> <p>8 noted in addition to Mark C. Fields, Esq.,</p> <p>9 who has joined the proceedings.)</p> <p>10</p> <p>11 EXAMINATION (CONTINUED)</p> <p>12 BY MS. HEWITT:</p> <p>13 Q Going back on the record, Mr. Spencer,</p> <p>14 welcome back.</p> <p>15 A Thank you.</p> <p>16 Q We were talking about the January 29,</p> <p>17 2016 visit to Lunada Bay, and the police presence that</p> <p>18 you're describing. I think -- I looked at the court</p> <p>19 reporter's screen. I think you said that there were</p> <p>20 two to three police officers there, including a</p> <p>21 sergeant; is that right?</p> <p>22 A Not in January.</p> <p>23 Q Not in January. Okay. Some other time.</p> <p>24 Okay. In January, can you describe to me -- can you</p> <p>25 tell me how many Palos Verdes Estates police officers</p> <p style="text-align: right;">Page 130</p>	<p>1 A Probably -- well, approximately, three</p> <p>2 cars that were actual black-and-whites.</p> <p>3 Q Okay.</p> <p>4 Did you see any other cars that you</p> <p>5 believe were PVE police that that were not</p> <p>6 black-and-whites?</p> <p>7 A Motorcycles.</p> <p>8 Q Okay.</p> <p>9 How many motorcycles did you see?</p> <p>10 A Just one motorcycle.</p> <p>11 Q Okay.</p> <p>12 When you left that day in January of</p> <p>13 2016, were the police personnel that you just described</p> <p>14 to me still there?</p> <p>15 A Yes.</p> <p>16 Q Okay.</p> <p>17 When you left, did Chris Taloa leave at</p> <p>18 the same time?</p> <p>19 A No.</p> <p>20 Q Okay.</p> <p>21 Do you recall if Diana Milena Reed</p> <p>22 stayed after you left?</p> <p>23 A Yes. I left before anyone else.</p> <p>24 Q Okay. All right.</p> <p>25 Did you communicate to the</p> <p style="text-align: right;">Page 132</p>
<p>1 were there?</p> <p>2 A I can't give you a for sure number, but</p> <p>3 it was over the -- over the three that we just talked</p> <p>4 about. I would say up to five or six.</p> <p>5 Q Okay. And did you see any police cars?</p> <p>6 A Yes.</p> <p>7 Q Okay.</p> <p>8 Did you see any other police-type</p> <p>9 vehicles?</p> <p>10 A Yes.</p> <p>11 Q What were those?</p> <p>12 A There was a motorcycle, and I don't know</p> <p>13 what they call it, but it's equivalent to like we have</p> <p>14 cadets; so and they -- I'm pretty sure they were in a</p> <p>15 different color uniform. They weren't officers.</p> <p>16 Q Like an explorer?</p> <p>17 A Either parking -- not explorer, but they</p> <p>18 were either a cadet, a police service officer, or like</p> <p>19 a parking -- I don't recall.</p> <p>20 Q Okay. And were the police service/cadet</p> <p>21 people, are those included in the three to five to six</p> <p>22 that you saw?</p> <p>23 A Yes.</p> <p>24 Q Okay.</p> <p>25 How many police cars did you see?</p> <p style="text-align: right;">Page 131</p>	<p>1 PVE Police Department about the January 29, 2016</p> <p>2 incident by phone to anybody?</p> <p>3 A What incidents?</p> <p>4 Q What occurred on January 29, 2016, any</p> <p>5 part of it?</p> <p>6 A In regards to?</p> <p>7 Q What occurred to you on that day.</p> <p>8 A No.</p> <p>9 Q Okay.</p> <p>10 How about with regard to -- how about by</p> <p>11 E-mail?</p> <p>12 A I don't recall doing so, no.</p> <p>13 Q How about by letter, snail mail?</p> <p>14 A No. I am advanced enough. I don't</p> <p>15 really send letters anymore.</p> <p>16 Q All right.</p> <p>17 Did you post on social media of any</p> <p>18 type --</p> <p>19 A No.</p> <p>20 Q -- specifically with regard to that</p> <p>21 date? No?</p> <p>22 A No.</p> <p>23 Q Okay. And I should have been a little</p> <p>24 clearer -- go ahead.</p> <p>25 A No, social media, no.</p> <p style="text-align: right;">Page 133</p>

<p>1 Q Okay.</p> <p>2 Did you post on any city-related sites</p> <p>3 Facebook posts? I know you're not on Facebook, but any</p> <p>4 sort of tweeting at the city, anything like that,</p> <p>5 telling the city about what occurred on January 29,</p> <p>6 2016?</p> <p>7 A No.</p> <p>8 Q Okay.</p> <p>9 Did you communicate with the city by any</p> <p>10 other means that I did not go over?</p> <p>11 A No.</p> <p>12 Q Okay. All right.</p> <p>13 If we go on in the complaint, still on</p> <p>14 page 12, at the bottom, it says (as read):</p> <p>15 "In February, Spencer returned</p> <p>16 a second time with Jordan Wright and</p> <p>17 others to observe and watch the outsiders'</p> <p>18 cars parked on the bluff."</p> <p>19 Is that correct?</p> <p>20 A That's correct.</p> <p>21 Q All right.</p> <p>22 So Jordan Wright, when was the first</p> <p>23 time you met him?</p> <p>24 A January 29th.</p> <p>25 Q Okay. And have you ever talked to</p> <p style="text-align: right;">Page 134</p>	<p>1 MR. WORGUL: Even though a person who is not</p> <p>2 subject to the privilege was subject of the</p> <p>3 communication?</p> <p>4 MR. FRANKLIN: We don't know that.</p> <p>5 MR. WORGUL: What? Do you guys represent</p> <p>6 Mr. Wright?</p> <p>7 MR. FRANKLIN: That's Mr. Wright's decision to</p> <p>8 make at the time, yes.</p> <p>9 MR. WORGUL: So, at the time, you did represent</p> <p>10 Mr. Wright?</p> <p>11 BY MS. HEWITT:</p> <p>12 Q Okay. In February, when you returned to</p> <p>13 Lunada Bay with Mr. Wright and others, who were the</p> <p>14 others?</p> <p>15 A I know that Jordan Wright; Diana Reed;</p> <p>16 Chris Taloa. I remember Kenny -- I can't remember his</p> <p>17 last name -- was there, and there might have been one</p> <p>18 or two more people that either Jordan or either Chris</p> <p>19 knew. I don't recall their names or who they were, but</p> <p>20 just other people that wanted to surf.</p> <p>21 Q Okay.</p> <p>22 How many people altogether? About five</p> <p>23 to six?</p> <p>24 A Let me do the math. Sorry. Yes.</p> <p>25 Q Okay. And how did you decide to go to</p> <p style="text-align: right;">Page 136</p>
<p>1 Jordan write since that date or since -- that's</p> <p>2 confusing. Sorry.</p> <p>3 Other than in January and in February,</p> <p>4 as referenced in the complaint, have you ever -- have</p> <p>5 you ever -- ever met him at some other time?</p> <p>6 A Yes.</p> <p>7 Q Okay.</p> <p>8 How many other times have you met</p> <p>9 Jordan Wright?</p> <p>10 A I believe just one other time.</p> <p>11 Q And when was that one other time?</p> <p>12 A In counsel's office, and I don't recall</p> <p>13 the date.</p> <p>14 Q Do you know if Jordan Wright is</p> <p>15 represented by your counsel in this matter?</p> <p>16 A I know that he is not a lead plaintiff.</p> <p>17 Q Do you know if Mr. Wright has retained</p> <p>18 Mr. Franklin's firm or Mr. Otten's firm?</p> <p>19 A I have no knowledge of that.</p> <p>20 Q What was said at that particular meeting</p> <p>21 with Mr. Wright?</p> <p>22 MR. FRANKLIN: To the extent it happened in</p> <p>23 Mr. Otten's office, I instruct you not to answer.</p> <p>24 MR. WORGUL: On what basis?</p> <p>25 MR. FRANKLIN: Attorney-client privilege.</p> <p style="text-align: right;">Page 135</p>	<p>1 Lunada Bay?</p> <p>2 A How did I decide?</p> <p>3 Q Good point. Bad question.</p> <p>4 Why did you decide?</p> <p>5 A I knew there was still swell in the</p> <p>6 water. I knew that Chris still wanted to surf, and I</p> <p>7 wanted to go help in any way I could, as far as making</p> <p>8 it a peaceful endeavor and making sure that nothing was</p> <p>9 damaged, meaning the property and the cars; and I</p> <p>10 decided to go to watch the property.</p> <p>11 Q How did you find out that Jordan and</p> <p>12 these others were going?</p> <p>13 A I think through texting with Chris, just</p> <p>14 saying, you know, who was going to be there and what</p> <p>15 day they were going.</p> <p>16 Q From the outset, like when you decided</p> <p>17 -- from the point that you decided to go in February,</p> <p>18 was it always the case that you did not intend to surf?</p> <p>19 A Yes.</p> <p>20 Q Okay. So you only intended to go and</p> <p>21 watch the outsiders' cars parked on the --</p> <p>22 A I knew I wasn't going to surf that day.</p> <p>23 Q All right.</p> <p>24 Did you only intend to go to watch the</p> <p>25 outsiders' cars parked on the bluff?</p> <p style="text-align: right;">Page 137</p>

<p>1 MR. FRANKLIN: Vague and ambiguous. 2 THE WITNESS: And be a witness if anything 3 happened; watch cars; just kind of -- not protect the 4 area but just, you know, be a witness in case something 5 happened. 6 MS. HEWITT: Okay. 7 Q At the time that you went in February of 8 2016, had you retained Mr. Franklin and Mr. Otten? 9 A I'm sorry. Repeat that. 10 Q At the time that you went to Lunada Bay 11 in February of 2016, had you retained Mr. Franklin and 12 Mr. Otten? 13 A No. 14 Q At the time that you went in February of 15 2016, had you discussed filing a lawsuit with regard to 16 Lunada Bay with anybody other than your attorneys in 17 this matter? 18 A No. 19 Q Okay. All right. 20 When you arrived at Lunada Bay -- 21 withdraw. 22 Did you advise anybody at the 23 City of Palos Verdes Estates about your February 2016 24 visit to Lunada Bay before it took place? 25 A Forgive me. Repeat.</p> <p style="text-align: right;">Page 138</p>	<p>1 A No, I didn't feel a need to say anything 2 else to him. 3 Q Okay. 4 Other than Captain Velez, is there 5 anybody else that you communicated with at the city 6 with regard to your impending visit to Lunada Bay in 7 February of 2016? 8 MR. FRANKLIN: Vague and ambiguous. 9 THE WITNESS: At some -- at some point -- and I 10 don't recall when it was -- I had wrote the chief or 11 E-mailed the chief, and I don't know if it was on or 12 before that time you're speaking of. 13 MS. HEWITT: Okay. 14 Q When you went in February 2016, did you 15 go by yourself and meet people there? 16 A Yes. I met Chris and Jordan and Diana 17 and Kenny. 18 Q Okay. 19 What happened when you first got there? 20 A We parked. 21 Q And what was the next thing you did? 22 A They got ready to go in the water. 23 Q And who is "they"? 24 A Chris, and I believe Jordan. I don't -- 25 I don't recall -- I know more went in the water that</p> <p style="text-align: right;">Page 140</p>
<p>1 Q That's okay. 2 Before you went in February of 2016, did 3 you tell anybody at the City of PVE that you were going 4 to be there in February? 5 A Yes. Sorry. I interrupted. 6 Q That's okay. 7 A Yes, I believe I E-mailed the same 8 Captain Velez and told him we'd be out there again. 9 Q Did you get a response? 10 A Yes. And I don't recall what it was. I 11 think -- something to the effect of, "Thank you for 12 letting us know," type thing. 13 Q Were you satisfied with the response at 14 the time? 15 MR. FRANKLIN: Vague and ambiguous. 16 THE WITNESS: At the time, it was adequate to 17 what I asked for; so, I'd have to answer yes. 18 BY MS. HEWITT: 19 Q Do you recall feeling any need to follow 20 up with the captain? 21 MR. FRANKLIN: Vague and ambiguous. 22 THE WITNESS: Following -- at what point? 23 BY MS. HEWITT: 24 Q Oh, at that time when you received the 25 first response.</p> <p style="text-align: right;">Page 139</p>	<p>1 day, but I don't know if they went at the same time as 2 those guys or later. 3 Q Did you see Diana go in the water? 4 A I did not. 5 Q Okay. 6 Did you see her prepare to get in the 7 water? 8 A I saw her with a wetsuit on and a helmet 9 and her board. I think -- I think it was that day. 10 Q Okay. 11 That day did you talk to Diana at all 12 about Lunada Bay and any localism issues -- can you 13 please mute your phone? Thank you. I'm sorry, 14 Mr. Spencer. 15 A Say that again, please. 16 Q Sure. 17 Did you talk to Diana at all that day in 18 February about any Lunada Bay localism issues? 19 A I don't recall specific conversation. 20 Q Do you recall anything generally? 21 A Again, it's cloudy. She -- I don't know 22 if it was that visit when it happened to them or the 23 January visit; but, at one point, I was not there when 24 she was -- went down and was assaulted, and they 25 weren't able to surf because they were basically</p> <p style="text-align: right;">Page 141</p>

<p>1 assaulted down on the fort, and I can't remember what 2 day that was. 3 Q Okay. And you don't remember when she 4 told you that; right? 5 A No, I don't. 6 Q All right. 7 When you went in February of 2016, did 8 anybody -- withdraw. 9 Did you, in fact, watch the outsiders' 10 cars parked on the bluff? 11 A Yes. 12 Q Did anybody watch with you? 13 A Not that I recall. Like I say, I don't 14 -- there's a couple that stayed behind; so, I don't 15 know if they were -- I can only tell what I did. I 16 don't know if a couple of the guys that were there with 17 the group either stayed behind, and I don't know what 18 they did, if they were watching; but I was specifically 19 there to watch everybody's cars so ... 20 Q And what did you do in that regard? 21 A Just sat on the side of the road and 22 watched our property. 23 Q Okay. 24 Were you harassed while you were 25 watching the property?</p> <p>Page 142</p>	<p>1 A Who knows? 2 Q When did that occur? While you were 3 watching the cars? 4 A While we were watching the cars; when we 5 arrived; when they were getting out of the water, 6 meaning Jordan and Chris; while we were standing at our 7 cars. It was just odd. 8 Q So he stuck a GoPro in your face? 9 A Yes. 10 Q Okay. 11 Can you tell me just -- you can 12 demonstrate -- how close the GoPro got to your face? 13 A Not -- when I say, "in my face," just 14 kind of, you know, even from a distance of this far; so 15 five feet to, you know, 30, 40, 50 feet. It's just 16 odd. 17 Q Did you feel threatened by that 18 behavior? 19 A Of course. 20 Q So -- 21 A When you show up to a beach and someone 22 that you know is one of the little -- the local 23 controllers/harassers of that place sticking a camera 24 in your face, why is he doing that? To intimidate you 25 and to make you feel uncomfortable.</p> <p>Page 144</p>
<p>1 A You could -- yes. When people call you 2 the same things they called on the first visit, "kook," 3 and, you know, "What are you doing?" Same stuff, that's 4 harassment. I feel I was harassed. 5 Q Okay. Just to be -- I'm unclear. Were 6 you harassed? 7 A Yes. 8 Q Okay. 9 Tell me what happened? 10 A Just name calling. 11 Q And who called you names? 12 A I don't know who they are. 13 Q Where were they? 14 A Just passersby real slow in their 15 trucks; in their cars; guys standing on the bluff. I 16 recall on the February date, specifically, 17 Defendant Blakeman constantly circling us, everybody 18 who was out there to surf that was not from there; 19 that's not a Bay Boy; sticking his GoPro in our faces 20 for reasons we could only determine were to identify us 21 to their group so that they would know who we are. 22 I've never had that happen. Bless you. And, you know, 23 when you go to a beach and somebody is sticking a 24 camera in your face, is it to -- 25 Q When did --</p> <p>Page 143</p>	<p>1 Q Okay. So -- and do you know that he was 2 filming? 3 A I didn't see the red dot record. I know 4 it was a camera on a -- like a selfie stick. 5 Q Okay. Let's go back, then, again. So 6 you're watching the cars. All right. And you said 7 there was name calling, first of all, by passersby in 8 trucks, you said? 9 A Trucks and cars I said. 10 Q Okay. 11 Did you recognize any of the drivers? 12 A No. 13 Q All right. So do you know if they were 14 anybody -- if they were any part of the Bay Boys? 15 A That's -- 16 MR. WORGUL: I'm just going to object. It 17 lacks foundation as to who the Bay Boys are and what 18 they are. 19 MS. LUTZ: Join. 20 THE WITNESS: Repeat the question, please. 21 MS. HEWITT: All right. 22 Q With regard to any of the passersby you 23 said were calling you names as you were watching the 24 cars driving by in their trucks, were they anybody that 25 you came later to find out were people that you</p> <p>Page 145</p>

<p>1 considered to be the Bay Boys?</p> <p>2 MR. WORGUL: Same objections.</p> <p>3 THE WITNESS: In my opinion?</p> <p>4 MS. HEWITT: Yes.</p> <p>5 THE WITNESS: The ones that roll by slowly;</p> <p>6 that don't get called names themselves; that are doing</p> <p>7 the name calling --</p> <p>8 MS. HEWITT: Yes.</p> <p>9 THE WITNESS: -- are members of the Bay Boys.</p> <p>10 MS. HEWITT: Okay.</p> <p>11 Q Did you recognize any of them?</p> <p>12 A No.</p> <p>13 Q Okay. And, then, you described Blakeman</p> <p>14 holding out a GoPro on a selfie stick. Did anything</p> <p>15 else occur to you while you were watching the cars that</p> <p>16 day in February?</p> <p>17 A Anything else?</p> <p>18 Q Any other harassment; violence?</p> <p>19 A No.</p> <p>20 Q Okay.</p> <p>21 Any other incidents of localism?</p> <p>22 MR. FRANKLIN: Vague and ambiguous.</p> <p>23 THE WITNESS: Well, you know, when they get on</p> <p>24 their phones as they're passing by in their car; and,</p> <p>25 then, more and more start to show up, you know, I guess</p> <p style="text-align: right;">Page 146</p>	<p>1 really odd.</p> <p>2 Q How do the numbers grow? By what</p> <p>3 numbers? So, what did they start out with when you</p> <p>4 first got there; and, then, how did they increase over</p> <p>5 time?</p> <p>6 A I would say from the morning of, you</p> <p>7 know, starting out with just a few guys up on the</p> <p>8 bluff, you know, going down to surf, you're looking at,</p> <p>9 you know, five to six; a couple guys walking alone down</p> <p>10 the path; a couple guys walking up in pairs. And,</p> <p>11 then, by the end of the morning, you know, there could</p> <p>12 be -- I would estimate on the south end, it seemed to</p> <p>13 be the larger concentration upwards of 15 to 20 guys</p> <p>14 there; and, you know, the north seemed a little --</p> <p>15 that's where Mr. Blakeman was with his camera and a few</p> <p>16 sporadic, you know, groups; but all in the same general</p> <p>17 area. Again, 10 -- 10 to 15.</p> <p>18 Q Okay. And what day of the week was</p> <p>19 this?</p> <p>20 A I don't recall.</p> <p>21 Q Do you recall if it was a weekend?</p> <p>22 A I don't believe it was.</p> <p>23 Q Okay. And, then, moving on to the next</p> <p>24 sentence in the complaint -- now we're on the top of</p> <p>25 page 13, sir.</p> <p style="text-align: right;">Page 148</p>
<p>1 that would be localism through their coordinated</p> <p>2 efforts, if you want to put it that way.</p> <p>3 BY MS. HEWITT:</p> <p>4 Q Oh, I'm not putting it any way. I'm</p> <p>5 just asking you.</p> <p>6 A But you did put it in such a way did</p> <p>7 anything else happen? Well, sure. They're all on</p> <p>8 their phones. Every time they're passing by, more and</p> <p>9 more start to show up and just magically, after you see</p> <p>10 these guys talking on their phones. How does -- like I</p> <p>11 said, the north and the south start to get filled up</p> <p>12 with guys that don't seem to get harassed. Is it by</p> <p>13 magic they show up? Or, I mean, I don't know. It's --</p> <p>14 it's got to be only they're talking to each other.</p> <p>15 Q So when you say there's more and more</p> <p>16 showing up, please tell me what numbers you're talking</p> <p>17 about and over what time period you saw them start to</p> <p>18 show up.</p> <p>19 A You start out in the morning, again,</p> <p>20 like I say, it's early. There's few numbers. And,</p> <p>21 then, as the morning grows on, the numbers just grow.</p> <p>22 The numbers in the water; numbers down on the fort; the</p> <p>23 numbers of the guys that stand up on the bluff, on the</p> <p>24 north and south end. I mean, almost like -- almost</p> <p>25 like ramparts, you know, to protect the area. It's</p> <p style="text-align: right;">Page 147</p>	<p>1 A Yes.</p> <p>2 Q Okay.</p> <p>3 It says (as read):</p> <p>4 "Spencer observed Defendant</p> <p>5 LUNADA BAY BOYS threaten and taunt</p> <p>6 surfers."</p> <p>7 We discussed Mr. Blakeman's actions.</p> <p>8 Other than Mr. Blakeman's actions, did you witness any</p> <p>9 other incidents of the Lunada Bay Boys threatening or</p> <p>10 taunting surfers that day in February 2016?</p> <p>11 MR. FRANKLIN: Asked and answered.</p> <p>12 THE WITNESS: Well, I mean, how do I know who's</p> <p>13 doing the taunting and threatening when it could be all</p> <p>14 of them, when they're on their phones, and more and</p> <p>15 more groups, you know, show up to kind of put this</p> <p>16 stranglehold on the area, in my opinion? That's</p> <p>17 taunting and threatening in itself when you have a</p> <p>18 little goat trail one way to go down there, and you've</p> <p>19 got two groups of 15 to 20 on each end, and you got a</p> <p>20 guy going around with a selfie stick and a camera,</p> <p>21 people -- people yelling at you to fucking get out of</p> <p>22 there; "Why are you here? Go home. Don't surf here."</p> <p>23 I don't know who they are specifically.</p> <p>24 BY MS. HEWITT:</p> <p>25 Q Well, I'm here to ask you about your</p> <p style="text-align: right;">Page 149</p>

<p>1 allegations in your complaint here, Mr. Spencer, so --</p> <p>2 A And that's what --</p> <p>3 Q -- I'm not really casting any aspersions</p> <p>4 one way or the other. I'm here just to make sure I get</p> <p>5 all the information about this sentence here so --</p> <p>6 A In my opinion, they're all</p> <p>7 Lunada Bay Boys, and they've all threatened and taunted</p> <p>8 us by those actions I just described.</p> <p>9 Q That's great. That's what I'm trying to</p> <p>10 find out. I want to find out everything that you've</p> <p>11 observed because of this allegation you made in your</p> <p>12 complaint here; so, I want to find out everything you</p> <p>13 observed that falls under that sentence there.</p> <p>14 A I just don't know how to explain more</p> <p>15 clearly than I did.</p> <p>16 Q All right.</p> <p>17 So, do you feel like you've identified</p> <p>18 for me all the incidences in which you observed the</p> <p>19 Lunada Bay Boys threaten and taunt surfers in February</p> <p>20 2006?</p> <p>21 A From my personal knowledge, yes.</p> <p>22 Q In February of 2016?</p> <p>23 A Yes.</p> <p>24 Q Okay. All right. Then, let's move on.</p> <p>25 It says (as read):</p> <p style="text-align: right;">Page 150</p>	<p>1 Q Okay.</p> <p>2 Is there anybody else that you -- I</p> <p>3 think we've talked earlier. I think you said you</p> <p>4 believe you E-mailed Chief Kepley?</p> <p>5 A Right. And I'm looking at the</p> <p>6 complaint; so, either I misstated or somebody wrote it</p> <p>7 down on the complaint wrong. It's 2016, March 4th.</p> <p>8 Q Okay. So referring to lines 3 to 5 on</p> <p>9 the complaint, where it says, "Later, on March 4, 2014,</p> <p>10 Spencer wrote to Defendant Chief of Police Kepley and</p> <p>11 encouraged an undercover investigation," that should be</p> <p>12 March 4, 2016; is that right, sir?</p> <p>13 A Correct.</p> <p>14 Q Okay.</p> <p>15 All right. So, on March 4, 2016, you</p> <p>16 wrote to Chief Kepley?</p> <p>17 A Yes.</p> <p>18 Q Okay.</p> <p>19 How did you write to him?</p> <p>20 A E-mail.</p> <p>21 Q Okay.</p> <p>22 A I never spoke to him on the phone.</p> <p>23 Q Okay. Thank you. And by March 2016,</p> <p>24 had you retained Mr. Franklin and Mr. Otten?</p> <p>25 A Forgive me. I don't recall the specific</p> <p style="text-align: right;">Page 152</p>
<p>1 "Spencer has complained to</p> <p>2 PALOS VERDES ESTATES police officers."</p> <p>3 A Where are we at?</p> <p>4 Q We're on the next line, sir; so, about</p> <p>5 line 2 to 3.</p> <p>6 A On what page?</p> <p>7 Q Same page, 13, sir. So you see where we</p> <p>8 finished?</p> <p>9 A I'm at two to three, "Spencer"</p> <p>10 Q "... has complained"</p> <p>11 A Okay. Got it.</p> <p>12 Q All right. Great. All right.</p> <p>13 "Spencer has complained to</p> <p>14 PALOS VERDES ESTATES police officers."</p> <p>15 So, can you identify for me each time</p> <p>16 that you have complained to Palos Verdes police</p> <p>17 officers?</p> <p>18 A I guess in -- in a complaint way,</p> <p>19 meaning, "Hey, can you provide extra patrol because</p> <p>20 there's problems down there?" It's a number of E-mails</p> <p>21 I sent requesting that and describing to the captain.</p> <p>22 That would be the best way I can describe is how I</p> <p>23 complained to them.</p> <p>24 Q Is that Captain Velez?</p> <p>25 A Yes.</p> <p style="text-align: right;">Page 151</p>	<p>1 date that we made our engagement formal.</p> <p>2 Q Do you have an understanding it took</p> <p>3 place sometime in March of 2016?</p> <p>4 A At some point in March, yes.</p> <p>5 Q All right. Fair enough. All right.</p> <p>6 So, what did you write in your E-mail to</p> <p>7 Chief Kepley on March 4, 2016?</p> <p>8 A At that point, I wrote him something to</p> <p>9 the effect that they might want to do something --</p> <p>10 MS. HEWITT: Can you please mute your phone?</p> <p>11 Thank you.</p> <p>12 Sorry, Mr. Spencer.</p> <p>13 THE WITNESS: They might want to do something</p> <p>14 proactive to take care of the problem because at that</p> <p>15 point I --</p> <p>16 MS. BELL: That's why I keep asking them, is</p> <p>17 there news? There's no news. I mean, I know you want</p> <p>18 to get out of this, and I'm going to get you out of</p> <p>19 this as fast as I can so --</p> <p>20 MR. WORGUL: Is this all on the record?</p> <p>21 MS. HEWITT: Excuse me. Excuse me. You're not</p> <p>22 muted, and we're hearing a long conversation you're</p> <p>23 having.</p> <p>24 MS. BELL: I'm listening right now. Can you</p> <p>25 hear them?</p> <p style="text-align: right;">Page 153</p>

<p>1 MS. HEWITT: I can hear you.</p> <p>2 THE WITNESS: I think she has it reverse muted,</p> <p>3 and that's bad.</p> <p>4 MS. HEWITT: We're hearing some sort of</p> <p>5 attorney-client privilege.</p> <p>6 MS. LUTZ: Yeah.</p> <p>7 MS. HEWITT: Again, our apologies, Mr. Spencer.</p> <p>8 THE WITNESS: No problem.</p> <p>9 So, I -- I was in the hopes that, I</p> <p>10 guess, still in the dreams of them taking care of the</p> <p>11 problem how I know it could be taken care of; and</p> <p>12 suggesting to sum up what I remember of my E-mail, to</p> <p>13 suggest that they take care of the problem that, you</p> <p>14 know -- I don't -- I don't remember specifically; but,</p> <p>15 hey, you might -- you might want to take care of this</p> <p>16 problem because it's like getting a lot of press. I</p> <p>17 think I'd been contacted by a couple news outlets by</p> <p>18 then. I don't know how, or how they got a hold of me,</p> <p>19 but I just wanted to compel him and say, "You're a cop.</p> <p>20 I'm a cop. Let's take care of this problem. That's</p> <p>21 what we do. That's what we should do."</p> <p>22 Q All right. So, in the complaint, where</p> <p>23 it says that you encouraged an undercover</p> <p>24 investigation, in your mind, is that -- did that --</p> <p>25 A Where are we at? I'm sorry. Oh,</p> <p style="text-align: right;">Page 154</p>	<p>1 apologize.</p> <p>2 MR. FRANKLIN: Objection to the extent the</p> <p>3 document speaks for itself.</p> <p>4 THE WITNESS: It's right there. I mean,</p> <p>5 there's a problem down there. Let's take care of it.</p> <p>6 Let's do an undercover investigation. Let's make it</p> <p>7 happen. That's a complaint. It didn't happen; so, as</p> <p>8 line 6 says, "and took no action" on what I suggest.</p> <p>9 BY MS. HEWITT:</p> <p>10 Q All right. So, in thinking back, do you</p> <p>11 recall if you made any other statements in the course</p> <p>12 -- in the communication that complained that, perhaps,</p> <p>13 the city was not doing certain things?</p> <p>14 MR. FRANKLIN: Vague and ambiguous. The</p> <p>15 document speaks for itself.</p> <p>16 THE WITNESS: Yeah, I don't recall specifics</p> <p>17 right now of what my E-mail had said.</p> <p>18 BY MS. HEWITT:</p> <p>19 Q All right. And here is the part where</p> <p>20 I'm a little confused. Maybe you can help me with this</p> <p>21 next part here in the complaint. After it says</p> <p>22 (as read):</p> <p>23 "Upon information and belief,</p> <p>24 Defendant Chief of Police Kepley did not</p> <p>25 take the complaint seriously and took no</p> <p style="text-align: right;">Page 156</p>
<p>1 line 4, yes.</p> <p>2 Q That's right. All right.</p> <p>3 In your mind, is that statement that you</p> <p>4 encouraged an undercover investigation, was that also a</p> <p>5 complaint to the city?</p> <p>6 A A complaint or maybe -- apparently, the</p> <p>7 problem isn't getting taken care of; so, maybe a</p> <p>8 suggestion on how to take care of the problem. Let's</p> <p>9 get it handled.</p> <p>10 Q Then, if we look at the next sentence,</p> <p>11 it says (as read):</p> <p>12 "Upon information and belief,</p> <p>13 Defendant Chief of Police Kepley did not</p> <p>14 take the complaint seriously and took no</p> <p>15 action."</p> <p>16 Do you see that?</p> <p>17 A I agree to that.</p> <p>18 Q All right.</p> <p>19 So, in your understanding, it's your</p> <p>20 belief that you complained to Chief Kepley in this</p> <p>21 March 4, 2016 communication; is that correct?</p> <p>22 A Yes, that's fair.</p> <p>23 Q All right. And can you tell me what the</p> <p>24 complaint was that you made in the March 4, 2016 E-mail</p> <p>25 -- excuse me -- correspondence or communication? I</p> <p style="text-align: right;">Page 155</p>	<p>1 action. He said that they have considered</p> <p>2 various enforcement strategies."</p> <p>3 In what type of -- how did he respond --</p> <p>4 or how did he make that response to you if, indeed,</p> <p>5 that's what happened?</p> <p>6 A I don't know if it was either through</p> <p>7 him or through the captain with a letter. I don't -- I</p> <p>8 mean, an E-mail. I don't know. I don't recall.</p> <p>9 Q All right.</p> <p>10 As you sit here today, is it correct</p> <p>11 that you don't know if Chief Kepley actually made that</p> <p>12 response to you or if it was somebody else?</p> <p>13 A Correct.</p> <p>14 Q Okay. And this next set of statements</p> <p>15 here, it says (as read):</p> <p>16 "And, he said: 'I have been down</p> <p>17 the patio on several occasions and talked</p> <p>18 with various surfers in an effort to educate</p> <p>19 them on the position we are all in, and what</p> <p>20 needs to change in terms of acceptable behavior</p> <p>21 on their part.'"</p> <p>22 Did Chief Kepley state that to you in</p> <p>23 any form?</p> <p>24 A It could have. I don't recall.</p> <p>25 Q You don't recall if Chief Kepley said</p> <p style="text-align: right;">Page 157</p>

<p>1 that to you?</p> <p>2 A No, I don't.</p> <p>3 MS. HEWITT: Okay. All right. And, then,</p> <p>4 let's look at this -- what's the next exhibit?</p> <p>5 THE REPORTER: Forty-two is your next exhibit.</p> <p>6 MS. HEWITT: Forty-two. Okay. Here is 42,</p> <p>7 which is Bates-stamped CITY1807 for those of you on the</p> <p>8 phone.</p> <p>9 (Defendants' Exhibit 42 was marked for</p> <p>10 identification by the Certified Shorthand Reporter</p> <p>11 and is enclosed herewith.)</p> <p>12 BY MS. HEWITT:</p> <p>13 Q This is a one-page E-mail that was</p> <p>14 produced by the city, I think, in response to a</p> <p>15 Public Records Act request, and it was produced</p> <p>16 redacted; so, this is how I got it too.</p> <p>17 Why don't you take a look at that,</p> <p>18 Mr. Spencer, and tell me if you recognize what's said</p> <p>19 in that E-mail.</p> <p>20 A Yeah, that's the E-mail I sent to him.</p> <p>21 Q Okay.</p> <p>22 The date matches up with what you told</p> <p>23 us today. So, let's go through this E-mail. First of</p> <p>24 all, the subject line that you chose, "Lunada UC ops,"</p> <p>25 can you tell me if "UC" referred to undercover?</p> <p style="text-align: right;">Page 158</p>	<p>1 had been E-mailing Captain Velez every time you were</p> <p>2 venturing out on a big swell day?</p> <p>3 A On those two days, yes.</p> <p>4 Q Okay. So, you were referring to those</p> <p>5 two days, January and February of 2016?</p> <p>6 A Correct.</p> <p>7 Q All right. So, each time you E-mailed</p> <p>8 them, is it correct that you witnessed extra patrols</p> <p>9 being provided?</p> <p>10 A Yes. In my opinion, that's what they</p> <p>11 were. The officers were there because, hopefully, in</p> <p>12 response to my E-mail.</p> <p>13 Q All right.</p> <p>14 You go on to write (as read):</p> <p>15 "He has been kind enough to</p> <p>16 respond, and we've been encouraged to</p> <p>17 see PV officers."</p> <p>18 Was that accurate?</p> <p>19 A Correct.</p> <p>20 Q The next paragraph states (as read):</p> <p>21 "Anyway, several years ago</p> <p>22 (around 02' or 03') the then chief of</p> <p>23 PV asked several surrounding agencies to</p> <p>24 see if officers who surfed would be willing</p> <p>25 to paddle out 'on duty-undercover.'"</p> <p style="text-align: right;">Page 160</p>
<p>1 A Yes.</p> <p>2 Q And "ops" is operations?</p> <p>3 A Yes.</p> <p>4 Q Okay. And the first sentence says</p> <p>5 (as read):</p> <p>6 "Sir, first of all, I'd like</p> <p>7 to thank you and your dept. for the</p> <p>8 response in extra patrols down at</p> <p>9 Lunada Bay."</p> <p>10 A Correct.</p> <p>11 Q All right.</p> <p>12 Did you feel thankful for extra patrols</p> <p>13 down at Lunada Bay?</p> <p>14 A Of course.</p> <p>15 Q All right.</p> <p>16 Next, you say (as read):</p> <p>17 "I am active law enforcement</p> <p>18 (ESPD) and have been emailing</p> <p>19 Capt. Velez every time we (Aloha point</p> <p>20 Facebook group - a group of non-locals)</p> <p>21 venture out to the bay on a big swell day."</p> <p>22 "ESPD," was that El Segundo Police</p> <p>23 Department?</p> <p>24 A Yes.</p> <p>25 Q All right. And was it correct that you</p> <p style="text-align: right;">Page 159</p>	<p>1 Is that what we discussed earlier today?</p> <p>2 A Correct.</p> <p>3 Q Okay.</p> <p>4 And, then, you write (as read):</p> <p>5 "I was approached along with</p> <p>6 a few more of our officers and we were</p> <p>7 excited to help out. For reasons unknown,</p> <p>8 nothing ever materialized. I think it would</p> <p>9 be worth another shot and be very effective.</p> <p>10 I'm sure my chief would assist in letting a</p> <p>11 few of us that do surf help out should you</p> <p>12 ever want to try something like that."</p> <p>13 All right. Was anything in that</p> <p>14 paragraph inaccurate?</p> <p>15 A No.</p> <p>16 Q All right.</p> <p>17 The next paragraph states (as read):</p> <p>18 "It really is too hard to observe</p> <p>19 anything that really goes down there from</p> <p>20 the bluff."</p> <p>21 What did you mean by that?</p> <p>22 A Assaults; property being dumped in the</p> <p>23 ocean; defecation on people's property; fights;</p> <p>24 drinking; alleged drug abuse; all that stuff in the</p> <p>25 surf community over 30 years, 40 years has been alleged</p> <p style="text-align: right;">Page 161</p>

<p>1 that goes on down there by unnamed people that I don't</p> <p>2 know.</p> <p>3 Q Did you consider putting that in your</p> <p>4 E-mail to Chief Kepley?</p> <p>5 A I just figured that -- no, I did not.</p> <p>6 Q Have you ever told Chief Kepley those</p> <p>7 things in any form?</p> <p>8 A No.</p> <p>9 Q All right.</p> <p>10 Have you ever told any City of Palos</p> <p>11 Verdes Estates police officer that those -- or anybody</p> <p>12 affiliated with the PVE Police Department that those</p> <p>13 things go on down there?</p> <p>14 MR. FRANKLIN: Vague and ambiguous.</p> <p>15 THE WITNESS: No.</p> <p>16 BY MS. HEWITT:</p> <p>17 Q Then, the next sentence says (as read):</p> <p>18 "Although, I understand two</p> <p>19 younger officers actually made their</p> <p>20 way down to the fort and were actually</p> <p>21 able to finally witness/document a 415."</p> <p>22 What's a "415"?</p> <p>23 A Basically, a disturbance report.</p> <p>24 Q Okay. And when -- sorry. Go ahead.</p> <p>25 A Just acting in a threatening/harassing</p> <p>Page 162</p>	<p>1 MS. HEWITT: All right.</p> <p>2 Q Going on to the next sentence, it says</p> <p>3 (as read):</p> <p>4 "You know, and I know, the DA" --</p> <p>5 Is that District Attorney?</p> <p>6 A Correct.</p> <p>7 Q (As read): "will most likely</p> <p>8 reject it, but kudos to them for their</p> <p>9 descent from the bluff to the beach."</p> <p>10 Why did you know that the DA would most</p> <p>11 likely reject it?</p> <p>12 A We live in L.A. County. I deal with the</p> <p>13 legal system, and it's a reality.</p> <p>14 Q What's the reality?</p> <p>15 A The District Attorney is overloaded,</p> <p>16 underpaid, overstressed with caseload; and they don't</p> <p>17 want to -- the individual DAs I'm sure have very pure</p> <p>18 intentions, but they're strapped. And are they going</p> <p>19 to file this, what they would probably consider petty,</p> <p>20 in my opinion, of course? I don't know for sure that.</p> <p>21 I stated I know it; but, in reality, I don't know what</p> <p>22 the DA is going to do. I'm not a DA, but I know what I</p> <p>23 see; so, I didn't think, and I still don't think that</p> <p>24 they filed it. I'm not sure. I don't -- I didn't</p> <p>25 follow up with that, but I thought at the time they</p> <p>Page 164</p>
<p>1 manner.</p> <p>2 Q Okay. And what was that understanding</p> <p>3 based on? I'm sorry. That was vague. Let me</p> <p>4 withdraw.</p> <p>5 When you say you understand that these</p> <p>6 two younger officers made their way down to the fort</p> <p>7 and were actually able to finally witness and document</p> <p>8 a 415, how did you know that?</p> <p>9 A I had learned after I left; and, again,</p> <p>10 I can't -- I wish I could remember, but either on the</p> <p>11 January date or the February date is when that incident</p> <p>12 had occurred. I had learned after I left that Jordan</p> <p>13 and Diana had went down there, and there was some type</p> <p>14 of a -- an assault that officers had witnessed and</p> <p>15 documented.</p> <p>16 Q All right. So, were you pleased that</p> <p>17 that had taken place, that the police officers were</p> <p>18 able to witness/document a 415?</p> <p>19 MR. FRANKLIN: Vague and ambiguous.</p> <p>20 THE WITNESS: I'd be pleased if they never had</p> <p>21 to witness and document a 415 incident down there. I'd</p> <p>22 be pleased if it was safe for people to go down there;</p> <p>23 but if it were to happen -- and it did -- was I pleased</p> <p>24 to find out that finally an officer observed it and</p> <p>25 documented it? Yes.</p> <p>Page 163</p>	<p>1 would just reject it.</p> <p>2 Q Okay.</p> <p>3 A And I was glad, just like I wrote. It</p> <p>4 was incredible to actually see a couple younger</p> <p>5 officers put some weight on the soles of their boots</p> <p>6 and descend the stairs to maybe take care of a problem</p> <p>7 that's been going on for 30 years.</p> <p>8 Q If you go on to the next paragraph, it</p> <p>9 says (as read):</p> <p>10 "Thanks for reading, and</p> <p>11 possibly considering a UC operation</p> <p>12 as I've suggested. As a side issue,</p> <p>13 I have recently been made aware of,</p> <p>14 and feel a brotherly sense of duty, to</p> <p>15 make you aware of some upcoming legal</p> <p>16 issues [sic] in the works by a very</p> <p>17 large, non-profit foundation heavily</p> <p>18 invested in coastal matters (this is</p> <p>19 separate from the coastal commission</p> <p>20 thing)."</p> <p>21 Was that accurate?</p> <p>22 MR. FRANKLIN: Vague and ambiguous.</p> <p>23 THE WITNESS: As far as my knowledge, I had</p> <p>24 heard that Surfrider Foundation was very interested,</p> <p>25 and this was through some reports of in the L.A. Times</p> <p>Page 165</p>

<p>1 author -- and I can't remember who it was -- was saying</p> <p>2 that the Surfrider Foundation was very interested in</p> <p>3 taking care of the problem down there.</p> <p>4 BY MS. HEWITT:</p> <p>5 Q At this point in time, March 4, 2016,</p> <p>6 had you decided to become part of a lawsuit filed</p> <p>7 against the City of Palos Verdes Estates?</p> <p>8 A No.</p> <p>9 Q And, then, in that same sentence, where</p> <p>10 you write, "(this is separate from the coastal</p> <p>11 commission thing)," what was the "coastal commission</p> <p>12 thing"?</p> <p>13 A There is also -- from what I understand,</p> <p>14 some efforts by the Coastal Commission to reach out to</p> <p>15 the City of Palos Verdes, because of the known Bay Boy</p> <p>16 problem, to improve access to the area; provide funding</p> <p>17 to -- for the city to, basically, in my opinion, clean</p> <p>18 up its act and make the public feel welcome there.</p> <p>19 And, from what I understand, the Coastal Commission was</p> <p>20 all in favor of anything they wanted to do to improve</p> <p>21 the site and go so far as to help with funding.</p> <p>22 Q How did you become aware of that?</p> <p>23 A I think, again, through the L.A. Times,</p> <p>24 and I read some articles. It started -- I'd seen some</p> <p>25 articles in the Times about the Coastal Commission and</p> <p style="text-align: right;">Page 166</p>	<p>1 a change down there and opening up access and getting</p> <p>2 the city forced to take care of the problem.</p> <p>3 Q How did -- go ahead.</p> <p>4 A And your question was how? So, some --</p> <p>5 at some point -- I don't remember the time after -- but</p> <p>6 I was contacted by a private investigator, who had seen</p> <p>7 interviews -- interviews or articles. I don't remember</p> <p>8 what they suggested but they -- you know, they -- the</p> <p>9 private attorney -- or the private investigator</p> <p>10 indicated that there was some attorneys working on the</p> <p>11 case, and he put me in contact with Mr. --</p> <p>12 Counsel Otten; and so, then, I contacted Counsel Otten.</p> <p>13 Q So would that have been --</p> <p>14 A I don't remember dates. Sorry.</p> <p>15 Q Well, given that you were aware of that</p> <p>16 -- well, let me ask you the question, actually.</p> <p>17 That information that you just told me,</p> <p>18 was that information -- is that information upon which</p> <p>19 you base that sentence on?</p> <p>20 A Yes.</p> <p>21 Q Okay. So, is it safe to say -- I don't</p> <p>22 know -- actually, I'll just ask you.</p> <p>23 Is it fair to say that you were</p> <p>24 contacted by Mr. -- by this private investigator prior</p> <p>25 to this E-mail?</p> <p style="text-align: right;">Page 168</p>
<p>1 stuff like that through the -- through the Times; and,</p> <p>2 then, I actually spoke with the Times reporter.</p> <p>3 Q And when did you speak to the Times</p> <p>4 reporter?</p> <p>5 A It was sometime, I think, after the</p> <p>6 February incident that I went down to watch the cars,</p> <p>7 and I don't recall a specific date.</p> <p>8 Q And, then, in that same sentence, when</p> <p>9 you talk about "brotherly sense of duty," what do you</p> <p>10 mean by that?</p> <p>11 A He's a police chief. I'm a police</p> <p>12 officer. We're in the brotherhood of law enforcement.</p> <p>13 Nothing more; nothing less. Just one cop to another</p> <p>14 cop. Take care of it. Here's how you can do it. I</p> <p>15 know we wouldn't tolerate it where I work.</p> <p>16 Q And the next sentence, where it says</p> <p>17 (as read):</p> <p>18 "There are attorneys plotting</p> <p>19 strategies as we speak, to basically force</p> <p>20 the city (consent decree type) to make</p> <p>21 Lunada Bay very 'public access.'"</p> <p>22 How did you find that out?</p> <p>23 A That would be prior to securing counsel.</p> <p>24 I'd learned what our counsel was -- my counsel and the</p> <p>25 class' counsel was, basically, interested in providing</p> <p style="text-align: right;">Page 167</p>	<p>1 A Yes. Private investigator, yes.</p> <p>2 Q And was it the private investigator that</p> <p>3 put you in touch with Mr. Otten?</p> <p>4 A Yes.</p> <p>5 Q Okay. And did that happen before this</p> <p>6 E-mail?</p> <p>7 A Yes.</p> <p>8 Q All right.</p> <p>9 The next sentence says (as read):</p> <p>10 "This could mean many things</p> <p>11 (signage, trail improvement, parking,</p> <p>12 etc...)." </p> <p>13 Were those your ideas or somebody else's</p> <p>14 ideas?</p> <p>15 A I believe that -- I believe that was</p> <p>16 some of the recommendations of either the</p> <p>17 Coastal Commission or the Surfrider Foundation, and I</p> <p>18 don't recall. I want to say it was Coastal Commission,</p> <p>19 but I don't recall where I learned of things that they</p> <p>20 wanted to do.</p> <p>21 Q Did you ever talk to anybody from the</p> <p>22 Coastal Commission about Lunada Bay at all?</p> <p>23 A I -- I don't remember if they were with</p> <p>24 the Coastal Commission. I have, but I don't remember</p> <p>25 their name. They said they were, at one point, either</p> <p style="text-align: right;">Page 169</p>

<p>1 on the board or something like that, and I don't know</p> <p>2 who that was. From what I remember, I don't think they</p> <p>3 were currently a member of them, but they used to be.</p> <p>4 I don't remember who it was.</p> <p>5 Q Okay.</p> <p>6 Put that right to the side because I'm</p> <p>7 going to ask you some more questions about this E-mail.</p> <p>8 A Which one?</p> <p>9 Q The one we just looked at. Yeah, put</p> <p>10 that off, because I'm going to come back to that.</p> <p>11 Going back real briefly to the complaint on page 13,</p> <p>12 following the February 2016 visit to Lunada Bay, did</p> <p>13 you ever return to Lunada Bay and attempt to surf?</p> <p>14 A No.</p> <p>15 Q Did you ever return to Lunada Bay and --</p> <p>16 at all after that time?</p> <p>17 A I have, yes.</p> <p>18 Q All right.</p> <p>19 How many times?</p> <p>20 A Anywhere from three to five.</p> <p>21 Q Okay.</p> <p>22 On each of those visits, did you go down</p> <p>23 to the beach?</p> <p>24 A No. Up on the bluff only.</p> <p>25 Q Okay.</p> <p>Page 170</p>	<p>1 A When I left --</p> <p>2 Q No, sorry. Let me withdraw that.</p> <p>3 How long was your visit in 2016 in</p> <p>4 total? Like how long did it last?</p> <p>5 MR. FRANKLIN: Vague and ambiguous.</p> <p>6 THE WITNESS: February?</p> <p>7 MS. HEWITT: Yeah.</p> <p>8 THE WITNESS: Not more than three hours.</p> <p>9 MS. HEWITT: All right.</p> <p>10 Q During the entire three hours, were you</p> <p>11 watching the cars?</p> <p>12 A Yes.</p> <p>13 Q Did you -- were you outside the whole</p> <p>14 time watching the cars?</p> <p>15 A No.</p> <p>16 Q Okay.</p> <p>17 Where else were you?</p> <p>18 A In my car.</p> <p>19 Q How long were you in your car?</p> <p>20 A Off and on, I can't give you a -- I</p> <p>21 mixed it up between inside and outside my car. I don't</p> <p>22 know. I couldn't give you minutes.</p> <p>23 Q Why did you go in your car?</p> <p>24 A To sit down.</p> <p>25 Q Okay.</p> <p>Page 172</p>
<p>1 Did you intend to surf on any of those</p> <p>2 three to five times?</p> <p>3 A No. There's no more waves for the</p> <p>4 season.</p> <p>5 Q How many of those three to five times</p> <p>6 took place in the month of March 2016?</p> <p>7 A I don't recall the dates or times that I</p> <p>8 went back there.</p> <p>9 Q Do you recall whether any of them took</p> <p>10 place in March of 2016?</p> <p>11 A I don't recall.</p> <p>12 Q Following your February 2016 visit --</p> <p>13 A Can I back up?</p> <p>14 Q Yes.</p> <p>15 A I -- I'm not sure if they would all be</p> <p>16 -- no, I don't think any were in March. They were</p> <p>17 spread out over the next several months. Sorry.</p> <p>18 Q That's okay.</p> <p>19 So, if the complaint in this matter was</p> <p>20 filed in March 29th, 2016, is it fair to say that you</p> <p>21 did not visit Lunada Bay after February 2016 through</p> <p>22 the date of filing of the complaint?</p> <p>23 A I don't recall.</p> <p>24 Q At the end of your February 2016 visit</p> <p>25 -- actually, let me go back here.</p> <p>Page 171</p>	<p>1 Did you go in your car at any time</p> <p>2 because you were afraid?</p> <p>3 A No.</p> <p>4 Q All right.</p> <p>5 At any time when you were watching the</p> <p>6 cars, were you in fear of violence?</p> <p>7 MR. FRANKLIN: Vague and ambiguous.</p> <p>8 THE WITNESS: It is, because you know -- you</p> <p>9 don't know what's going to happen when you see guys on</p> <p>10 cell phones driving by real slow looking at you; and,</p> <p>11 then, more guys show up. So was I worried that there</p> <p>12 could be violence? Yes, there could have been.</p> <p>13 MS. HEWITT: Okay.</p> <p>14 Q Were you worried about bodily harm</p> <p>15 occurring to yourself?</p> <p>16 A Yes.</p> <p>17 Q And what did you base that worry on?</p> <p>18 A Guys on cell phones driving by real slow</p> <p>19 and more guys showing up after you see them on cell</p> <p>20 phones. Kind of crazy at a beach where violence is</p> <p>21 documented for 40 years. I based it on my own fear.</p> <p>22 Q And this is the fear based on the 30 to</p> <p>23 40 years of documented violence?</p> <p>24 A All the stories and violence and what</p> <p>25 goes on down there, yeah.</p> <p>Page 173</p>

<p>1 Q Okay.</p> <p>2 A It's crazy.</p> <p>3 Q Is it based at all on your January 2016</p> <p>4 visit?</p> <p>5 A I would say of course. How can it not</p> <p>6 when you get your hand sliced open?</p> <p>7 Q Okay.</p> <p>8 Was it -- was it based on what or</p> <p>9 anything you experienced while you were watching the</p> <p>10 cars other than what you've already told me?</p> <p>11 A Yes, the whole totality -- the whole</p> <p>12 totality of the situation gives you fear. But, at some</p> <p>13 point, you got to stand up to people that are acting</p> <p>14 like bullies and, you know, deal with it.</p> <p>15 Q Okay. So, I'm just trying to write down</p> <p>16 all these things here. So, we talked about the 30 to</p> <p>17 40 years of documented incidents; guys on cell phones</p> <p>18 driving by and, then, more guys showing up; having your</p> <p>19 hand cut in January. Is there anything else that I've</p> <p>20 missed?</p> <p>21 MR. FRANKLIN: Misstates prior testimony.</p> <p>22 THE WITNESS: Guys walking around a bluff</p> <p>23 throwing GoPros in your face and guys knowing --</p> <p>24 potentially knowing who you are from those pictures</p> <p>25 that he shares with his buddies, yeah, all that. You</p> <p style="text-align: right;">Page 174</p>	<p>1 Would you have written any E-mails from</p> <p>2 any address other than whatever address you sent this</p> <p>3 E-mail from?</p> <p>4 A I don't recall.</p> <p>5 Q Did you have E-mail addresses that had</p> <p>6 your name in them, or did they tend to be E-mail</p> <p>7 addresses that did not indicate what your name was?</p> <p>8 You know, some people might say, you know, "cool cop"</p> <p>9 or something. Did you tend to have E-mail addresses</p> <p>10 with your name in it?</p> <p>11 A Not that I recall.</p> <p>12 Q Okay.</p> <p>13 Do you remember what E-mail address you</p> <p>14 wrote to Chief Kepley from?</p> <p>15 A I don't.</p> <p>16 Q Do you remember what E-mails you were</p> <p>17 using in March of 2016?</p> <p>18 A It would have either been from my work</p> <p>19 one or Yahoo.</p> <p>20 Q What was your Yahoo address?</p> <p>21 A It's seaspencer433@yahoo.com.</p> <p>22 Q Okay.</p> <p>23 Did you write to anybody else at the</p> <p>24 city after this March 4, 2016 E-mail?</p> <p>25 A Not that I recall.</p> <p style="text-align: right;">Page 176</p>
<p>1 laid it out perfectly.</p> <p>2 BY MS. HEWITT:</p> <p>3 Q Did someone throw a GoPro in your face?</p> <p>4 MR. FRANKLIN: Argumentative.</p> <p>5 THE WITNESS: Okay. Figuratively from a</p> <p>6 distance, as we spoke, from five to several feet away;</p> <p>7 potentially videoing you and recording you without</p> <p>8 actually seeing the red dot on the camera.</p> <p>9 BY MS. HEWITT:</p> <p>10 Q Okay. You said guys knowing that from</p> <p>11 the video that they might know who you are too?</p> <p>12 A Of course.</p> <p>13 Q Had you ever heard any stories about</p> <p>14 that, about people at the Lunada Bay videoing other</p> <p>15 people in order to find out who they are?</p> <p>16 A For specific reasons of identifying</p> <p>17 somebody?</p> <p>18 Q For the reasons that you told me.</p> <p>19 A No. I personally have not.</p> <p>20 Q Okay. All right.</p> <p>21 Did you write to the chief any time</p> <p>22 after the March 4, 2016 E-mail that we have marked as</p> <p>23 42?</p> <p>24 A I may have. I don't recall.</p> <p>25 Q All right.</p> <p style="text-align: right;">Page 175</p>	<p>1 Q Okay.</p> <p>2 After the February 2016 visit to</p> <p>3 Lunada Bay, were you afraid to go back to Lunada Bay?</p> <p>4 MR. FRANKLIN: Vague and ambiguous.</p> <p>5 THE WITNESS: Yes.</p> <p>6 BY MS. HEWITT:</p> <p>7 Q Okay. And were you afraid because of</p> <p>8 all the reasons we've discussed already?</p> <p>9 A Yes.</p> <p>10 Q Which all took place before the</p> <p>11 March 4th, 2016 E-mail; correct?</p> <p>12 A Correct.</p> <p>13 Q Okay.</p> <p>14 After March 4th, 2016, through the end</p> <p>15 of March 2016, do you have any recollection of any</p> <p>16 communications with anybody at the city, any specific</p> <p>17 recollections? Communications by any means,</p> <p>18 face-to-face; phone?</p> <p>19 A I don't have any recollection of it.</p> <p>20 MS. HEWITT: Okay.</p> <p>21 Bless you.</p> <p>22 THE WITNESS: Bless you.</p> <p>23 MR. WORGUL: Thank you.</p> <p>24 BY MS. HEWITT:</p> <p>25 Q Did the city fail to do anything, in</p> <p style="text-align: right;">Page 177</p>

<p>1 your opinion, with regard to the Lunada Bay 2 allegations, specifically, between March 4th and 3 March 29th of 2016? 4 MR. FRANKLIN: Vague and ambiguous. 5 THE WITNESS: Say the dates again. 6 MS. HEWITT: Sure. 7 Q We're looking between March 4, 2016; so, 8 the date of your E-mail until March 29, 2016, which is 9 the date that the complaint in this matter was filed, 10 was there anything, in your opinion, that the city 11 failed to do with regard to the allegations in your 12 complaint between that time period? 13 MR. FRANKLIN: Vague and ambiguous; may call 14 for expert testimony. 15 THE WITNESS: Yeah. I believe -- yes. I 16 believe they -- they're failing to this day, this 17 moment. The Bay Boys still exist. There's no access 18 down there. The public doesn't feel welcome. The city 19 is ineffective. I feel that the police could clean 20 this up in two weeks, yes. 21 BY MS. HEWITT: 22 Q And did that all -- the opinions that 23 you just expressed right now, have those been the 24 opinions that you've held since the first time in 25 January of 2016 that you went --</p> <p>Page 178</p>	<p>1 recollection of going to Lunada Bay? 2 A Again, I don't remember the actual 3 dates. I've been there several times after and each 4 time -- each time I went there, it's very uncomfortable 5 when you're approached and even kind of watched from 6 the street by those that you feel that are members of 7 the Bay Boys; so, yes. You'd feel uncomfortable. I 8 did. 9 MS. HEWITT: What was my question? Maybe I 10 asked a bad question. 11 (Whereupon, the record was read back 12 by the court reporter as follows: 13 "Q Between March 4, 2016, and 14 March 29, 2016, do you recall -- do you have a 15 specific recollection of going to Lunada Bay?") 16 THE WITNESS: I don't remember the dates, but I 17 do specifically remember going back at some point after 18 March 4th. 19 MS. HEWITT: Okay. Fair enough. 20 Q Would you agree that in Exhibit 42, the 21 E-mails that we looked at here earlier, you said that 22 -- you said that you felt a brotherly sense of cop to 23 cop with Chief Kepley; is that right? 24 A That's just how I stated it. 25 Q All right.</p> <p>Page 180</p>
<p>1 A Yes. 2 Q -- to Lunada Bay? 3 A Sorry. Yes. 4 Q All right. 5 Specifically, between May 4, 2016, and 6 March -- sorry. Withdraw. 7 Specifically, between March 4, 2016, and 8 March 29, 2016, do you have any specific recollection 9 of going to Lunada Bay? 10 MR. FRANKLIN: Asked and answered. 11 THE WITNESS: I'm hearing clicking; so give me 12 the dates. 13 MS. HEWITT: Sorry. It's my pen. I'm sorry. 14 THE WITNESS: No, it's feedback on the phone; 15 but give me the dates again. 16 MS. HEWITT: Sure. March 14, 2016, the date of 17 your E-mail -- 18 THE WITNESS: Okay. 19 MS. HEWITT: -- and March 29, 2016, the date 20 that the complaint was filed. 21 MR. FRANKLIN: Asked and answered. 22 THE WITNESS: And restate the question. 23 MS. HEWITT: Sure. 24 Q Between March 4, 2016, and March 29, 25 2016, do you recall -- do you have a specific</p> <p>Page 179</p>	<p>1 After this E-mail, was there something 2 that occurred in the next three to four weeks that made 3 you decide you want -- that you went from the sense of 4 having a brotherly relationship with Chief Kepley to 5 wanting to file a lawsuit against Chief Kepley? 6 A Nothing happened. 7 Q So was there one specific -- 8 A That's specific. Nothing happened. 9 Nothing got taken care of. They still exist. They 10 were still in existence; so, it's time to take care of 11 the problem. 12 Q Was there a particular day -- 13 A Not that I recall. 14 Q -- that you -- just let me finish the 15 question. Sorry. 16 A particular day after expressing a 17 brotherly sense of duty to Chief Kepley in Exhibit 42, 18 up until the date that the complaint was filed, about 19 three-and-a-half weeks later, that you decided that was 20 enough. You didn't -- it didn't matter if you had a 21 brotherly sense of duty with Chief Kepley; that you 22 wanted to file a lawsuit against Chief Kepley? 23 A No specific day that I can recall. 24 Q All right. 25 Earlier, we talked about your</p> <p>Page 181</p>

<p>1 communications with Captain Velez; and, then, we</p> <p>2 already went over your communications with</p> <p>3 Chief Kepley.</p> <p>4 A Are we done with the E-mail?</p> <p>5 Q You can put -- we're going to go back to</p> <p>6 it. You can put it right there.</p> <p>7 A May I get something to drink?</p> <p>8 MS. HEWITT: Let's go off the record.</p> <p>9 (A recess was taken at 2:49 p.m.</p> <p>10 until 2:59 p.m.)</p> <p>11 MR. FRANKLIN: So, just as a matter of</p> <p>12 housekeeping, can we determine who is on the phone</p> <p>13 again? Because we haven't had people check in, and it</p> <p>14 was unclear to me whether clients might be in the room.</p> <p>15 Would some of these folks, so just as a matter of</p> <p>16 housekeeping -- I've heard them come in and out -- can</p> <p>17 we identify who is on the phone?</p> <p>18 MS. HEWITT: That's a great idea.</p> <p>19 Anybody who is on the phone, would you</p> <p>20 please identify yourself.</p> <p>21 MR. VOSS: Yeah, this is Matthew Voss of</p> <p>22 The Phillips Firm, co-counsel for defendant</p> <p>23 Angelo Ferrara.</p> <p>24 MR. FRANKLIN: I guess is anybody -- any</p> <p>25 clients with them?</p> <p>Page 182</p>	<p>1 A I don't.</p> <p>2 Q Was the last time that you E-mailed</p> <p>3 Captain Velez with regard to your February 2016 visit?</p> <p>4 A Again, may or may not be. I don't</p> <p>5 recall the last E-mail.</p> <p>6 Q Okay.</p> <p>7 Other than Captain Velez and</p> <p>8 Chief Kepley, have you communicated with any other</p> <p>9 City of Palos Verdes Estates Police Department</p> <p>10 representatives?</p> <p>11 A Have I communicated with?</p> <p>12 Q Right. Good point. Let's go back.</p> <p>13 We talked about some that you spoke with</p> <p>14 in your January 29th, 2016 visit. At the February 2016</p> <p>15 visit, were there any Palos Verdes Estates</p> <p>16 Police Department representatives there?</p> <p>17 A Yes.</p> <p>18 Q Okay. And how many did you identify --</p> <p>19 A I think there was only two patrolmen and</p> <p>20 a sergeant that day; but if there were more, I didn't</p> <p>21 see them or don't recall.</p> <p>22 Q Okay.</p> <p>23 Did you see any marked police cars in</p> <p>24 February?</p> <p>25 A Yes.</p> <p>Page 184</p>
<p>1 MS. HEWITT: Yeah. Does anybody have any</p> <p>2 clients with them?</p> <p>3 MR. VOSS: No.</p> <p>4 MR. OTTEN: Vic Otten here. No client.</p> <p>5 MS. HEWITT: Anybody else? Ms. Bell? Okay.</p> <p>6 Anybody else?</p> <p>7 Q All right. Mr. Spencer, we earlier</p> <p>8 talked about E-mails that you sent to Captain Velez,</p> <p>9 and we talked about one to two E-mails that you sent to</p> <p>10 Chief Kepley, one that we attached as Exhibit 42, and</p> <p>11 one I think you said you weren't sure, but I think you</p> <p>12 did send to Chief Kepley before March 4, 2016. Is that</p> <p>13 accurate?</p> <p>14 A I don't recall.</p> <p>15 Q All right.</p> <p>16 Do you think you sent more than two</p> <p>17 E-mails to Chief Kepley?</p> <p>18 A I don't remember.</p> <p>19 Q Do you have a specific recollection</p> <p>20 about sending him one other than Exhibit 42?</p> <p>21 A I do not.</p> <p>22 Q Okay. All right. And with regard to</p> <p>23 Captain Velez, do you have a recollection of sending</p> <p>24 him any E-mails other than with regard to upcoming</p> <p>25 visits you were going to have at Lunada Bay?</p> <p>Page 183</p>	<p>1 Q How many?</p> <p>2 A Two or three.</p> <p>3 Q Okay.</p> <p>4 Did you see any motorcycles?</p> <p>5 A I don't recall seeing a motorcycle in</p> <p>6 February.</p> <p>7 Q All right.</p> <p>8 Other than in January and February of</p> <p>9 2016, did you ever speak to any City of Palos Verdes</p> <p>10 Estates Police Department representatives in person</p> <p>11 with regard to Lunada Bay?</p> <p>12 A I don't -- I don't recall. I don't</p> <p>13 recall doing so.</p> <p>14 Q Okay.</p> <p>15 Other than E-mails with Captain Velez</p> <p>16 and Chief Kepley, do you recall any other E-mail</p> <p>17 communication with anybody from the City of Palos</p> <p>18 Verdes Estates Police Department with regard to</p> <p>19 Lunada Bay?</p> <p>20 A I do not.</p> <p>21 Q Okay.</p> <p>22 Do you recall any phone communications</p> <p>23 with anybody at the PVE Police Department with regard</p> <p>24 to Lunada Bay?</p> <p>25 A Again, I answered that before. I don't</p> <p>Page 185</p>

<p>1 -- I don't remember talking to anybody on the phone. I 2 may or may not have. I don't recall. 3 Q Okay. 4 We already talked about that you don't 5 use regular mail anymore. Okay. And I think I asked 6 you this question; but, specifically, with regard to 7 the January 2016, again, with regard to any Lunada Bay 8 issues, have you ever posted or responded to any of the 9 city's social media sites with regard to Lunada Bay? 10 A No. 11 Q Okay. 12 Other than what we just discussed with 13 regard to your communications with the 14 PVE Police Department, have you ever communicated with 15 any other type of City of PVE employee or 16 representative with regard to Lunada Bay? 17 A I had a casual conversation, I believe, 18 on the February day with Sergeant Gaunt on the bluff. 19 Q And what did you talk with him about? 20 A A lot of it was catching up; seeing how 21 he was doing from when he came back from El Segundo to 22 PV. He used to work for my police department. He knew 23 why we were out there, and I remember him making the 24 statement, you know, "Hey, we're just -- we're just out 25 here to, you know, keep the peace," type thing. "We're Page 186</p>	<p>1 don't know. I don't want to say a depression 'cause -- 2 but just a sadness, you know, that, hey, it actually 3 happened; and kind of suffered, in the sense of, you 4 know, it just kind of a -- it's kind of a bummer that 5 it happened. You know, I'm -- in my sense, I'm 6 suffering that I'm not able to go enjoy a place that I 7 have a God-given right to go enjoy without being run 8 over; called names; told to leave; so, in that sense, 9 yeah, that's a suffering to me, I mean. 10 Q Have you experienced any crying episodes 11 as a result of the allegations in the complaint? 12 A Crying? 13 Q Yes. 14 A I don't see any crying in the complaint. 15 Q That's just my question. 16 A Oh, I have not cried. 17 Q Okay. 18 Have you experienced any headaches as a 19 result of the allegations in the complaint? 20 A No. I don't recall any headaches. 21 Q All right. 22 Did you experience any loss of sleep? 23 A Yes. 24 Q On how many occasions? 25 A I don't recall specific amount; but when Page 188</p>
<p>1 just out here doing our job," basically. Specifics, in 2 regards to anything that happened to me, I don't recall 3 any conversation. 4 Q Did you make any specific complaints to 5 him at that time? 6 A Not that I recall. 7 Q Now, in your complaint, if we look on 8 page 13 still, Mr. Spencer, towards the end of the top 9 paragraph. We're looking at lines 11 and 12. Do you 10 see that, sir? 11 A Okay. 12 Q All right. It says (as read): 13 "Defendants' conduct has caused 14 Spencer pain and suffering, loss of sleep, 15 emotional distress, and mental anguish." 16 Is that an accurate statement? 17 A Yes. 18 Q All right. 19 With regard to the pain and suffering 20 that you allege, can you describe how you have suffered 21 that pain and suffering? 22 A Yeah, it's kind of a letdown. You just 23 feel sad that, you know, things that maybe you'd hoped 24 as a human that really weren't happening down there, 25 actually, when they did happen to you, kind of -- I Page 187</p>	<p>1 you're laying in bed thinking about just getting run 2 over and feeling feeble in the water from being cold 3 and being called names, there was probably a few 4 minutes' loss of sleep. I don't know how many; how 5 many days; how many times; but there's been some loss 6 of sleep. I can't give you an accurate number. 7 Q Have you sought any treatment for the 8 loss of sleep? 9 A No, I have not. 10 Q Are you taking any medication for it? 11 A No, no medication. 12 Q Have you told a medical doctor about 13 your loss of sleep? 14 A No. 15 Q Have you sought any psychological 16 treatment? 17 A From a licensed psychologist? 18 Q Licensed or we'll get to the next part, 19 too. Licensed we'll start with. 20 A Licensed, no. 21 Q Okay. Unlicensed? 22 A I would say in a form. 23 Q Which is? 24 A I guess you could talk -- you could -- 25 you could say a form of therapy or a form of dealing Page 189</p>

<p>1 with it is, you know, continue to surf and enjoy what</p> <p>2 areas of the coast you can enjoy, in hopes that you can</p> <p>3 go back and surf there someday when this problem is</p> <p>4 finally cleared up. I haven't seen any specific</p> <p>5 therapist for it; but, you know, praying, in the hopes</p> <p>6 that humanity will rear a more positive attitude down</p> <p>7 there. I pray. I go to church. It would just be nice</p> <p>8 if people that want to enjoy that area could go down</p> <p>9 and do it; so, yeah, I pray for that. I'm not going to</p> <p>10 lie. Because that -- is that a form of psychology,</p> <p>11 therapy, or treatment? For me, I guess you could say.</p> <p>12 Q All right.</p> <p>13 When you say you pray, do you pray that</p> <p>14 you can surf at Lunada Bay?</p> <p>15 A Every day and especially in the winter.</p> <p>16 Q Okay.</p> <p>17 Have any part of your family or your</p> <p>18 kids commented on your loss of sleep?</p> <p>19 A Sometimes they ask why dad is grumpy but</p> <p>20 not -- not loss of sleep.</p> <p>21 Q Have you complained to your wife about</p> <p>22 your loss of sleep?</p> <p>23 A Not complained.</p> <p>24 Q Have you told her you're losing sleep</p> <p>25 because of the allegations in this complaint?</p> <p>Page 190</p>	<p>1 continued desire. I want to go down there to surf; but</p> <p>2 kind of feeling still, at this point, even maybe even</p> <p>3 more so now that I've been photographed and/or I</p> <p>4 perceived that I've been photographed and identified,</p> <p>5 and I'm going to be like walking into the lion's den;</p> <p>6 so, that's a form of mental anguish. That's the best I</p> <p>7 can answer for you there.</p> <p>8 Q So, just to be clear, part of your</p> <p>9 mental anguish is that you have desired to surf at</p> <p>10 Lunada Bay but that you feel because you've been</p> <p>11 identified by the people down there, that your safety</p> <p>12 would be threatened; is that correct?</p> <p>13 A Yes.</p> <p>14 Q Now, when you went to Lunada Bay, say,</p> <p>15 in the February 2016 time and you were watching the</p> <p>16 cars, did you have any of your service revolvers with</p> <p>17 you, or anything like that, from like being an</p> <p>18 El Segundo Police Department -- or police officer?</p> <p>19 A At the expense of I don't want to make</p> <p>20 this sound smug or --</p> <p>21 Q Oh, no smugness taken.</p> <p>22 A I don't carry a revolver anymore.</p> <p>23 Q Oh, okay.</p> <p>24 A So, I did have, as I -- you know, as I</p> <p>25 always do, I do have the right to and I do carry an</p> <p>Page 192</p>
<p>1 MR. FRANKLIN: You have a spousal privilege if</p> <p>2 you choose to use it; so, your communication with your</p> <p>3 wife is privileged if you want to.</p> <p>4 THE WITNESS: No.</p> <p>5 BY MS. HEWITT:</p> <p>6 Q With regard to the emotional stress</p> <p>7 you've alleged in your complaint, can you please</p> <p>8 describe the emotional distress you have suffered?</p> <p>9 A Emotional distress would for me be</p> <p>10 described as -- I guess to a certain -- certain point</p> <p>11 of draw me to, like, an inner anger that I've been</p> <p>12 denied going somewhere. I'm distressed that, you know,</p> <p>13 people would think it's their privilege to keep other</p> <p>14 people away from something that doesn't belong to them</p> <p>15 but belongs to everybody. That distresses me; so, I</p> <p>16 guess feelings of anger and resentment to people that</p> <p>17 would act so egregious and blatant.</p> <p>18 Q Have you sought any treatment for --</p> <p>19 specifically for the emotional distress that you claim</p> <p>20 to have suffered?</p> <p>21 A Along the lines we spoke of earlier, no,</p> <p>22 I have not.</p> <p>23 Q With regard to mental anguish, can you</p> <p>24 please describe the mental anguish you have suffered?</p> <p>25 A Easily. It goes along the lines of the</p> <p>Page 191</p>	<p>1 off-duty weapon.</p> <p>2 Q Okay. That didn't sound smug at all.</p> <p>3 A Okay. I didn't want to.</p> <p>4 Q Not at all.</p> <p>5 A They always say, "revolver." Yeah, we</p> <p>6 used to carry those back in the '70s.</p> <p>7 Q I'm sure it's all TV.</p> <p>8 All right. With regard to the pain and</p> <p>9 suffering, lack of sleep, emotional distress, and</p> <p>10 mental anguish, do you attribute any of those</p> <p>11 specifically to the actions of Chief Kepley?</p> <p>12 A Yes. I'm disappointed in him. I'm</p> <p>13 disappointed that him and his department are not taking</p> <p>14 care of the problem, yes.</p> <p>15 Q And you're disappointed because</p> <p>16 Chief Kepley has not eliminated the problem, or do you</p> <p>17 mean something else by taking care of it?</p> <p>18 A Yes, eliminated the problem.</p> <p>19 Q All right.</p> <p>20 You would agree that extra patrols were</p> <p>21 provided in January and in February of 2016 when you</p> <p>22 asked for them; right?</p> <p>23 A Wholeheartedly agree.</p> <p>24 MR. FRANKLIN: Vague and ambiguous; calls for</p> <p>25 speculation; move to strike.</p> <p>Page 193</p>

<p>1 MS. HEWITT: Did you move to strike, Counsel?</p> <p>2 MR. FRANKLIN: I did.</p> <p>3 MS. HEWITT: On what basis?</p> <p>4 MR. FRANKLIN: Lack of foundation. It was</p> <p>5 vague and ambiguous and calls for speculation.</p> <p>6 MS. HEWITT: Okay.</p> <p>7 Q So is it true that you believe that</p> <p>8 extra patrols were provided at the January 2016 visit</p> <p>9 to Lunada Bay?</p> <p>10 MR. FRANKLIN: Same objection.</p> <p>11 THE WITNESS: I believe extra patrol was sent</p> <p>12 down there, yes.</p> <p>13 BY MS. HEWITT:</p> <p>14 Q All right. Same question for the</p> <p>15 February 2016 visit.</p> <p>16 MR. FRANKLIN: Same objection.</p> <p>17 THE WITNESS: Yes.</p> <p>18 MS. HEWITT: Okay.</p> <p>19 Q All right. With regard to your alleged</p> <p>20 pain -- withdrawn.</p> <p>21 With regard to the pain and suffering,</p> <p>22 loss of sleep, emotional distress, and mental anguish</p> <p>23 that you've discussed here today, do you attribute any</p> <p>24 of that to the City of Palos Verdes Estates?</p> <p>25 A In the sense of the city employs the</p> <p>Page 194</p>	<p>1 BY MS. HEWITT:</p> <p>2 Q Okay. Go ahead. And what are those?</p> <p>3 A They haven't -- here's the deal. They</p> <p>4 haven't provided access to an area that is popular for</p> <p>5 a recreational sport for the public to enjoy. They</p> <p>6 haven't provided any signage; notifications on what to</p> <p>7 do if there's any type of problems. There's nothing</p> <p>8 down there except a set of rocks that divide the</p> <p>9 asphalt from the dirt. They're very ineffective in</p> <p>10 providing access down there, signage, which, in turn,</p> <p>11 would automatically make it easy to patrol and enforce</p> <p>12 laws and things that go on down there. And let me just</p> <p>13 say they had an opportunity to go through the</p> <p>14 permitting process. They've chose to tear down the</p> <p>15 fort when they could have permitted it. Whatever they</p> <p>16 want to do, but just make it accessible to any human</p> <p>17 being that wants to go enjoy it; not let it be</p> <p>18 controlled by a bunch of pack animals that are acting</p> <p>19 like bullies. It's crazy.</p> <p>20 Q With regard to your allegations of pain</p> <p>21 and suffering, loss of sleep, emotional distress, and</p> <p>22 mental anguish, do you attribute any part of those</p> <p>23 damages specifically against the City of Palos Verdes</p> <p>24 with regard to the access issues you just discussed?</p> <p>25 A Again, yes. They employed the chief.</p> <p>Page 196</p>
<p>1 chief, the city is responsible for who they have as</p> <p>2 employees, yes.</p> <p>3 Q Outside of any action or inaction of</p> <p>4 Chief Kepley, do you have any other complaints about</p> <p>5 what the city has or has not done?</p> <p>6 MR. FRANKLIN: Vague and ambiguous.</p> <p>7 THE WITNESS: This -- I'm sorry. State it</p> <p>8 again.</p> <p>9 MS. HEWITT: That's okay. Sure.</p> <p>10 Q Outside of any actions or inactions you</p> <p>11 allege against the chief, do you have any other</p> <p>12 complaints against the City of Palos Verdes Estates?</p> <p>13 MR. FRANKLIN: Vague and ambiguous.</p> <p>14 THE WITNESS: Do I have, like, any formal</p> <p>15 lawsuit? Any complaints going on with them?</p> <p>16 MS. HEWITT: No, you're right. That's a vague</p> <p>17 question.</p> <p>18 Q So, aside from any inactions or actions</p> <p>19 that you allege against Chief Kepley, with regard to</p> <p>20 the lawsuit we're here, is there anything that</p> <p>21 separately you think the city itself has done or not</p> <p>22 done with regard to Lunada Bay?</p> <p>23 A Oh, yes.</p> <p>24 MR. FRANKLIN: Vague and ambiguous.</p> <p>25 ////</p> <p>Page 195</p>	<p>1 They -- they are separate entities. The chief is a</p> <p>2 human. The city is a government agency that employs</p> <p>3 that human. They are equally a part of what I've</p> <p>4 experienced down there.</p> <p>5 Q Are you seeking any damages against</p> <p>6 Chief Kepley for any of the pain and suffering, loss of</p> <p>7 sleep, emotional distress, or mental anguish.</p> <p>8 MR. FRANKLIN: Objection to the extent it calls</p> <p>9 for a legal conclusion.</p> <p>10 THE WITNESS: I just -- I just want people to</p> <p>11 go be able to surf there and enjoy the beach there;</p> <p>12 walk down without getting harassed. I'm sorry. Do you</p> <p>13 mean -- what do you mean? Like another separate</p> <p>14 lawsuit or --</p> <p>15 MS. HEWITT: No.</p> <p>16 Q Are you seeking damages specifically</p> <p>17 from Chief Kepley --</p> <p>18 MR. FRANKLIN: Objection --</p> <p>19 BY MS. HEWITT:</p> <p>20 Q -- for those alleged injuries?</p> <p>21 MR. FRANKLIN: Objection.</p> <p>22 THE WITNESS: I'm seeking --</p> <p>23 MR. FRANKLIN: Objection: calls for a legal</p> <p>24 conclusion. Also, object to the extent the complaint</p> <p>25 speaks for itself.</p> <p>Page 197</p>

<p>1 THE WITNESS: I'm seeking that he do his job, 2 and he enforce things that can be enforced in a very 3 effective way. That is not happening now. That's what 4 I want. 5 BY MS. HEWITT: 6 Q Okay. So, is it fair to say, then, you 7 are not seeking any damages from the chief to 8 compensate you for any pain and suffering, loss of 9 sleep, emotional distress, and mental anguish? 10 A Not at this time, no. 11 Q All right. 12 Same question with regard to the 13 City of Palos Verdes Estates. 14 A Not at this time, no. 15 Q All right. 16 Okay. Just going briefly to the fort, 17 that I think you brought up just a little bit ago. 18 You're familiar with the concrete and wood structure 19 down there it sounds like; right? About how many times 20 have you been in that structure? 21 A I've never been in it one time. 22 Q One time or never been in it? 23 A I've never been in it. 24 Q Okay. All right. 25 Did that structure -- does that</p> <p style="text-align: right;">Page 198</p>	<p>1 trail down to the beach; signage. No -- no fort, or a 2 permitted structure where people could legally access 3 and feel comfortable in doing so. That's kind of in 4 some interviews what I've pointed out to be my ideal 5 scenario. 6 Q Okay. 7 Do those encompass the specific changes 8 you'd like the city to implement with regard to 9 Lunada Bay? 10 A I would love them to implement it. 11 Q Okay. And are there any other specific 12 changes that you'd like the city to implement to allow 13 you to -- allow for the goal of lawful, safe, and 14 secure access? 15 A I'd like an ATV provided with a couple 16 officers that -- 17 Q I thought you meant -- 18 A No. A couple officers to routinely 19 patrol up and down the 12-foot-wide trail all along the 20 beach. That would be a nice added feature. 21 Q Had you ever seen that at any other 22 beach? 23 A All the time, up and down the coast. 24 Q Which beaches? 25 A Manhattan, L.A. County, L.A.P.D.,</p> <p style="text-align: right;">Page 200</p>
<p>1 structure -- did it impede your ability or have any 2 effect on your ability to access Lunada Bay? 3 A Yes. 4 Q Okay. And how so? 5 A It provides an operations point for 6 those guys to congregate and to prevent people from 7 using the beach; so, its very existence prevents 8 access. 9 Q Okay. 10 In your -- from your perspective, what 11 does it mean for you to have "lawful, safe, and secure 12 access to Lunada Bay to engage in recreational 13 activities"? 14 A You're asking for my opinion? 15 Q Yes. 16 A Just so I'm clear, just restate the 17 question. 18 Q Sure. 19 What does it mean for you to have 20 lawful, safe, and secure access to Lunada Bay to engage 21 in recreational activities? 22 A So, in interviews, I've given my dream 23 of access. I would love to see a nice, marked, open, 24 inviting parking lot, which has fixed, attached 25 restrooms to it with a, about, a 12-foot-wide cemented</p> <p style="text-align: right;">Page 199</p>	<p>1 Huntington, Newport, Long Beach, Laguna, Oceanside -- 2 let's see -- Malibu. 3 Q Are those all places you've surfed in 4 the last two to three years? 5 A Not Laguna; not Long Beach. 6 Q Do you know Rory Carroll? 7 A I've heard of the name, but I don't know 8 him. 9 Q Okay. 10 You never met him? 11 A Not that I know of. 12 Q Okay. 13 How about Noah Smith? 14 A Not that I know of. 15 Q Okay. 16 We talked a little bit earlier about 17 your co-plaintiff Diana Milena Reed. The last time you 18 spoke with her or were at a meeting with her was that a 19 time when counsel was present? 20 A Yes. 21 Q Okay. And when was that? 22 A I don't recall. 23 Q Was it longer than six months ago? 24 A No, I don't believe so. 25 Q All right.</p> <p style="text-align: right;">Page 201</p>

<p>1 Have you been in a room with her since 2 the complaint was filed March 29, 2016? 3 A No. 4 Q No. Okay. 5 The time that you met her in January of 6 2016 at Lunada Bay, at that time, did you have any 7 discussions with her about possibly filing a lawsuit 8 against the city? 9 A No. 10 Q All right. 11 How about the second time in February? 12 A No. 13 Q All right. 14 Did the private investigator that 15 contacted you tell you about any conversations with 16 Diana Milena Reed? Did he tell you -- he or she tell 17 you that he'd had any conversations with Diana? 18 A Oh, you're talking about him to her? 19 Q Right. 20 A Or her to him? 21 Q Any communications. 22 A No. 23 Q Okay. 24 When did you -- did you first hear from 25 Diana herself about any incident she experienced at Page 202</p>	<p>1 Q Okay. 2 A Boyfriend/girlfriend is all I knew. 3 Q Okay. Jordan and Diana. Okay. And do 4 you know what Jordan does? 5 A I think it's real estate, but I couldn't 6 tell you for sure. 7 Q All right. 8 Do you know where Jordan and -- or do 9 you know where Diana lives, what city? 10 A I think Malibu. I'm not sure. 11 Q And do you have any understanding of 12 whether Jordan and Diana are still together? 13 A I don't know. 14 Q Do you know where Jordan lives? 15 A I don't. 16 Q Did you ever have any discussions with 17 Jordan or Diana about potentially making a movie about 18 the Lunada Bay story? 19 A I did not. 20 Q Do -- have you discussed this case with 21 anybody at your current employer? 22 A Only to the extent that I'm involved in 23 a lawsuit, and I'm a lead plaintiff seeking access for 24 the bay, but I don't discuss details or anything. 25 Q Okay. Page 204</p>
<p>1 Lunada Bay? 2 A No, not from her. I don't recall how I 3 learned of what happened to her. 4 Q Okay. 5 In February 2016, when you spoke with 6 her, did you talk with her; get to know her at all? 7 A Not more than just introductions. 8 Q All right. 9 Did you find out what she does? 10 A I have no idea what she does. 11 Q Do you know if she's a model? 12 A I -- I had heard something like that, 13 but I haven't confirmed or -- confirmed or spoke with 14 her about what she does. I don't really know. 15 Q All right. 16 Did you ever have a conversation with 17 her where counsel wasn't present in which she told you 18 that she wanted the city to do certain things with 19 regard to Lunada Bay? 20 A I never had those conversations with 21 her. 22 Q Okay. 23 Now, is it your understanding that 24 Jordan Wright knew Diana at the same time he knew you? 25 A Yes. Page 203</p>	<p>1 Has anybody at El Segundo said that 2 they're aware that you're in a lawsuit suing a police 3 officer? 4 A I had a lieutenant -- a lieutenant had 5 told me that a reporter wanted to get in contact with 6 me; so, he was aware; and a captain had asked me how it 7 was going in the gym. That was very early on, and I 8 really didn't have anything to tell him. 9 Q And did those two people, as far as you 10 know, were they aware of who the defendants were, 11 including Chief Kepley? 12 A I don't believe so. I -- I don't know. 13 I don't know what they knew. I can't answer for what 14 they knew or didn't know. 15 Q All right. 16 Have you ever had any discussions with 17 anybody at El Segundo about whether or not it's awkward 18 to have filed a lawsuit against a police chief? 19 MR. FRANKLIN: Objection: argumentative. 20 THE WITNESS: No. 21 MS. HEWITT: Have we -- I know you all marked 22 the supplemental disclosures, I think, as 34; so -- I 23 don't have that exact copy from yesterday's, but this 24 is a copy of the supplemental disclosures. Here you 25 go. I have a copy for you. Page 205</p>

<p>1 MR. WORGUL: I have a copy from yesterday. It 2 should be exactly the same, or I can give him the copy 3 that we provided yesterday. 4 MS. HEWITT: Yeah. 5 MR. WORGUL: Let me take one note on it. It 6 should be marked in the lower right-hand corner. 7 MS. HEWITT: I'll show you that one. 8 THE WITNESS: You want me to look at this one? 9 MS. HEWITT: Yes, please. 10 MR. WORGUL: That's previously been marked as 11 Exhibit 34. 12 MS. HEWITT: In the deposition of Chief Kepley. 13 THE WITNESS: Okay. 14 Do you want me to set this all aside? 15 MS. HEWITT: The complaint, yes, sir, you can 16 put that aside. 17 THE WITNESS: E-mails? 18 BY MS. HEWITT: 19 Q You can put that aside, and I'm going to 20 ask you to take a look at the supplemental disclosures 21 and ask you if you believe you reviewed supplemental 22 disclosures before? 23 A Oh, two sides. 24 Q It's pretty long. Do you just right now 25 recall reviewing anything called, "SUPPLEMENTAL</p> <p style="text-align: right;">Page 206</p>	<p>1 Are you familiar with that -- with that 2 incident? 3 A Very vague. 4 Q Did you see Mr. Wright being assaulted 5 by David Melo? 6 A I did not. 7 Q Okay. 8 Did you hear about it secondhand? 9 A Yes. 10 Q All right. 11 Who did you hear about it from. 12 MR. FRANKLIN: Objection to the extent your 13 communication was with counsel. 14 MS. HEWITT: Yes. 15 MR. FRANKLIN: To the extent it was, I would 16 instruct you not to answer. 17 BY MS. HEWITT: 18 Q Yes, if you know from any other sources 19 not from counsel, you can testify? 20 A I don't recall hearing about it from 21 anybody else. 22 Q Okay. All right. 23 Has Mr. Wright told you how many times 24 he has tried to surf Lunada Bay and had incidents occur 25 with -- had incidents occur?</p> <p style="text-align: right;">Page 208</p>
<p>1 DISCLOSURES"? 2 A I'd have to review it to give you that 3 definite. 4 Q I'm just going to ask you about some 5 names in here then. I won't make you go through all 6 the pages. 7 A You want me to turn to a specific place? 8 Q Yes. I will ask you. 9 A Okay. 10 Q Sir, to turn to page 20, please. Oh, 11 I'm sorry. Fourteen. Fourteen. 12 A And my 14 is going to be the same as 13 yours even though it's double-sided? 14 Q I hope so. 15 All right. Do you see a No. 44 down at 16 the bottom, "Jordan Wright"? 17 A Yes. 18 Q Okay. Good. We are on the same page 19 literally and figuratively. All right. Okay. 20 If you turn to the next page, it 21 continues about Mr. Wright, and you see where it says 22 about line 6 that he will testify as to being assaulted 23 on January 29, 2016, by David Melo? 24 A I see that. 25 Q All right.</p> <p style="text-align: right;">Page 207</p>	<p>1 MR. FRANKLIN: Objection to extent you learned 2 that in your meeting with counsel. 3 THE WITNESS: Yeah, I'm going to -- 4 BY MS. HEWITT: 5 Q You don't have any other information 6 other than that of counsel? 7 A Right. 8 Q Okay. 9 A Yes. 10 Q Okay. All right. And with regard to 11 the incident with plaintiff Diana Reed, February 13, 12 2016, other than any information you received from 13 counsel, do you have any other independent knowledge of 14 that? 15 A No. 16 Q Okay. All right. 17 If you look at No. 45, do you know who 18 Gavin Heaney is? 19 A I do not. 20 Q Have you ever met him? 21 A I don't know. 22 Q Okay. Good question -- good answer. 23 All right. 24 If you see down there, line 19, it talks 25 about a Greg Cahill. Do you know who Greg Cahill is?</p> <p style="text-align: right;">Page 209</p>

1	A	I don't see it.	1	A	I don't specifically recall any
2	Q	About --	2		conversation with Kenny about that.
3	A	Line 19?	3	Q	Okay.
4	Q	Yeah.	4		Do you know what Kenny does, his
5	A	I don't know who that is.	5		occupation?
6	Q	Okay.	6	A	I don't know for sure. It's something
7		Do you know who Tyler Canali is?	7		to do with construction or something. I'm not sure.
8	A	I do not know.	8	Q	And do you know what city he lives in?
9	Q	Okay.	9	A	I don't recall.
10		Turning the page, do you know who	10	Q	Okay.
11		Jimmy Conn is, No. 47?	11		Do you know Tom Wilson?
12	A	I do not know.	12	A	I don't know that name.
13	Q	Daniel Dorn?	13	Q	Martin Tueling, T-u-e-l-i-n-g?
14	A	Again, I do not know.	14	A	I don't know that name.
15	Q	Okay.	15	Q	Bernie Mann, two n's?
16		Derek Ellis?	16	A	I don't know that name.
17	A	I do not know.	17	Q	Dr. Stephen Young, with a p-h?
18	Q	Geoff Hagins, G-e-o-f-f?	18	A	I don't know that name.
19	A	I do not know.	19	Q	Hagan Kelly?
20	Q	All right.	20	A	I don't know that name.
21		John Hagins?	21	Q	Sef Krell, S-e-f K-r-e-l-l?
22	A	I don't know.	22	A	I don't know that name.
23	Q	Mike Bernard?	23	Q	Alan Haven?
24	A	I do not know.	24	A	I don't know that name.
25	Q	Mike Bernard, Jr.?	25	Q	Okay.
Page 210			Page 212		
1	A	I do not know.	1		Daniel Jongeward, J-o-n-g-e-w-a-r-d?
2	Q	Charlie Rigano?	2	A	I don't know that name.
3	A	I do not know.	3	Q	Patrick Landon?
4	Q	Doug Disanti?	4	A	I don't know that name.
5	A	I do not know.	5	Q	Okay.
6	Q	Kurt Stanphenhorst?	6		Frank Netto?
7	A	I don't see that name.	7	A	I don't know that name.
8	Q	Number 56 on page 18.	8	Q	Randy Miestrell, M-i-e-s-t-r-e-l-l?
9	A	I do not know.	9	A	I've heard the last name. I don't know
10	Q	Randy Clark?	10		if he's involved in the surfing industry is all I know,
11	A	I do not know.	11		the last name but I don't.
12	Q	Okay.	12	Q	Okay.
13		Next page, No. 58, John Innis?	13		Sharlean Perez, S-h-a-r-l-e-a-n?
14	A	I do not know.	14	A	I don't know that name.
15	Q	Trish Laurie?	15	Q	Okay.
16	A	I do not know.	16		Charles Michael Pinkerton?
17	Q	Ken Claypool?	17	A	I don't know that name.
18	A	I've heard the name, and I believe that	18	Q	Okay.
19		would be somebody I know as "Kenny."	19		Turning the page, page 23,
20	Q	Oh, Kenny. Okay. All right. And	20		Chris Taloa, is that your friend Chris?
21		that's the Kenny who was at Lunada Bay with you and	21	A	Christopher Taloa; correct.
22		Chris in January and February?	22	Q	Okay.
23	A	Correct.	23		John MacHarg, M-a-c-H-a-r-g?
24	Q	Did you ever discuss with him any	24	A	I don't know that name.
25		incidents he had with one or more of the Ferraras?	25	Q	Tim Tindall, T-i-n-d-a-l-l?
Page 211			Page 213		

<p>1 A I don't know that name. 2 Q All right. 3 We went over Rory Carroll. 4 Okay. You can put that aside, sir. 5 A All right. 6 Q Do you recall giving an interview to 7 Madeleine Brand of KCRW in or about February of this 8 year? 9 A Madeleine Brand? The name Madeleine, 10 would that be NPR? 11 Q It's the local NPR station. 12 A Okay. I recall a name Madeleine. 13 Q Okay. 14 A And I associate that with NPR. 15 Q As do I, because it's the local 16 affiliate. 17 A Okay. 18 Q Do you recall what the content of that 19 conversation was? 20 A Just -- I don't recall specifically. It 21 was just -- I think it was just about my experience at 22 Lunada Bay, and I don't recall if it was one or both 23 days that I spoke about, but I know it was an 24 interview. 25 Q Okay.</p> <p style="text-align: right;">Page 214</p>	<p>1 Q Do you have any agreements to receive 2 any incentive payments in this lawsuit? 3 A No. 4 Q All right. And when was the last time 5 you were actually at Lunada Bay? 6 A I don't recall. 7 Q Do you know if it was in the last month? 8 A I haven't been there in the last month. 9 Q Okay. So you have no recollection right 10 now the last time you were at Lunada Bay? 11 A It was for an interview. The sun was 12 shining. I don't recall the date. I'm sorry. 13 MS. HEWITT: That's okay. 14 Okay. I am going to cede to other 15 counsel right now. 16 MR. WORGUL: Can we go off the record for one 17 second? 18 MR. FRANKLIN: Okay. 19 (A discussion was held off the record.) 20 (A recess was taken at 3:51 p.m. 21 until 3:54 p.m.) 22 //// 23 //// 24 //// 25 ////</p> <p style="text-align: right;">Page 216</p>
<p>1 Do you remember talking about the city's 2 actions, specifically, the police department? 3 A I don't recall. I'm sorry. 4 Q My fault. 5 A It was a long time ago. 6 Q Okay. 7 Do you recall whether or not you were 8 complimentary of the city's actions with regard to 9 Lunada Bay? 10 A I don't recall. 11 Q All right. 12 Putting aside Madeleine Brand and 13 putting aside the interview sources we talked about 14 earlier, do you recall any other interviews that you've 15 given with regard to Lunada Bay? 16 A Yeah, I recall several. Again, I don't 17 know who works for who and names, but I recall giving 18 several interviews. 19 Q Okay. 20 Do you remember how many TV interviews 21 you've given? 22 A Less than ten. 23 Q And when was the last time you gave an 24 interview with regard to Lunada Bay? 25 A I don't remember.</p> <p style="text-align: right;">Page 215</p>	<p>1 EXAMINATION 2 BY MR. FIELDS: 3 Q My name is Mark Fields. I represent 4 Angelo Ferrara and N.F. Let's talk about 5 Angelo Ferrara first. Of all the types of wrongful 6 conduct that you've alleged, whether it's physical 7 harassment, yelling, screaming, throwing dirt, 8 videoing, or intimidating in any fashion, are you aware 9 of any incidents where Angelo Ferrara has done that? 10 MR. FRANKLIN: Vague and ambiguous; compound. 11 THE WITNESS: Well, I mean, you know, I don't 12 know specifically quite how to answer that in 13 specifics, other than to say that, you know, he's been 14 identified as a Bay Boy through investigation counsel's 15 done; and whether or not he's part of that concerted 16 effort that I spoke about earlier today, either on the 17 phone, if he was on the other end of the phone, I don't 18 know if he's one of the Bay Boys that contributed to 19 any of that. 20 BY MR. FIELDS: 21 Q So you have no personal knowledge of 22 that, of Angelo engaging in any of those activities? 23 A Well, like I said, I don't know if he 24 was one on the phone or on the other end of the line 25 that contributed, you know, to when they would show up</p> <p style="text-align: right;">Page 217</p>

<p>1 and get in your face with a video or yell at you. I</p> <p>2 don't know if he was one that would show up. I don't</p> <p>3 know.</p> <p>4 Q Would you recognize him if you saw him?</p> <p>5 A I would not.</p> <p>6 Q How about N.F.? Do you have any</p> <p>7 knowledge, personal knowledge, of him engaging in any</p> <p>8 of those types of activities you've alleged?</p> <p>9 A Again, my same answer.</p> <p>10 Q Now, going beyond personal knowledge,</p> <p>11 other than what you've learned from your counsel, have</p> <p>12 you had any discussions with anyone else regarding any</p> <p>13 type of wrongful activity by Angelo Ferrara?</p> <p>14 A All I can tell you is this, that on more</p> <p>15 than one occasion even in uniform on duty I've had</p> <p>16 people come up to me -- I don't know who they are. The</p> <p>17 last time was on a burglary call in a perimeter where I</p> <p>18 was standing on a street corner. Somebody came up to</p> <p>19 me on a bike. I don't know who he was. Thanked me up</p> <p>20 and down. As, you know, I'm telling the guy, "Hey, I'm</p> <p>21 busy here," you know, he's thanking me for what I've</p> <p>22 been doing on the lawsuit. This has been going on too</p> <p>23 long. All of those guys you got named in there are --</p> <p>24 and even more are dirty involved in it.</p> <p>25 Q Do you know who?</p> <p>Page 218</p>	<p>1 disclosures. I forget what exhibit that is. It was</p> <p>2 marked, I think, before I got here.</p> <p>3 MR. WORGUL: Thirty-four.</p> <p>4 BY MR. FIELDS:</p> <p>5 Q Thirty-four, plaintiff's supplemental</p> <p>6 disclosures, No. 28 makes a reference to "the</p> <p>7 Ferraras."</p> <p>8 A We're on page 28?</p> <p>9 Q No, Witness 28. We're on page 10.</p> <p>10 MR. FRANKLIN: The number.</p> <p>11 BY MR. FIELDS:</p> <p>12 Q And it's regarding reference to</p> <p>13 Jim Russi, R-u-s-s-i.</p> <p>14 A Do you want me to read that section?</p> <p>15 Q I'll read it. I have a question about</p> <p>16 in that paragraph, it says (as read):</p> <p>17 "Plaintiffs are informed and</p> <p>18 believe and on that basis allege that</p> <p>19 this witness [Jim Russi] has information</p> <p>20 regarding the illegal activities of the</p> <p>21 Lunada Bay Boys including the Ferraras."</p> <p>22 Do you know what information Mr. Russi</p> <p>23 has regarding the Ferraras?</p> <p>24 A I personally don't. Through</p> <p>25 investigation through counsel, what they learned, that</p> <p>Page 220</p>
<p>1 A That was the last time, and there's been</p> <p>2 a few of those.</p> <p>3 Q Do you know the names of any of those</p> <p>4 people who gave you those "kudos," for lack of a better</p> <p>5 word?</p> <p>6 MR. FRANKLIN: Asked and answered.</p> <p>7 THE WITNESS: I do not.</p> <p>8 BY MR. FIELDS:</p> <p>9 Q Of the people who gave you those kudos</p> <p>10 and said, "Thank you for doing this. The Bay Boys are</p> <p>11 bad," however you want to phrase it, did any of them</p> <p>12 specifically mention Angelo Ferrara?</p> <p>13 A That's a name that keeps coming up as</p> <p>14 one of the more prominent names who has been involved</p> <p>15 over the years. Like I said, I can't identify to you a</p> <p>16 Ferraro -- Ferrara from the next Ferrara, but that is a</p> <p>17 very popular name associated with the Bay Boys through</p> <p>18 casual conversations that I have had from people</p> <p>19 thanking me in the surfing community for doing what I'm</p> <p>20 doing.</p> <p>21 Q And the people who thanked you, they</p> <p>22 haven't distinguished one Ferrara from the next to you?</p> <p>23 A No. Just the name. It's synonymous</p> <p>24 with that place.</p> <p>25 Q With -- take a look at the supplemental</p> <p>Page 219</p>	<p>1 information.</p> <p>2 Q And you don't know which Ferrara it is</p> <p>3 referenced in 28?</p> <p>4 A In reference to what you just read?</p> <p>5 Q Yes.</p> <p>6 A I do not specifically, no.</p> <p>7 Q Now, I think the only other time that I</p> <p>8 noticed a Ferrara being mentioned is on 60, the</p> <p>9 Witness 60 page 19.</p> <p>10 A Okay.</p> <p>11 Q And Ken Claypool, that's someone who you</p> <p>12 know; correct?</p> <p>13 A That is one who I had met two times and</p> <p>14 just on a very informal basis, when you say, "know";</p> <p>15 so, it's relative.</p> <p>16 Q I appreciate that.</p> <p>17 Then it says (as read):</p> <p>18 "This witness will testify about</p> <p>19 several incidents of harassment at</p> <p>20 Lunada Bay involving Individuals such as</p> <p>21 Brant Blakeman and possibly one or more of</p> <p>22 the Ferraras."</p> <p>23 Do you know what information</p> <p>24 Ken Claypool has regarding the Ferraras?</p> <p>25 A I do not.</p> <p>Page 221</p>

<p>1 Q Other than what you've heard sort of</p> <p>2 informally from people that you've met who haven't</p> <p>3 identified themselves and information you have received</p> <p>4 from your counsel, do you have any information</p> <p>5 regarding wrongful conduct by Angelo Ferrara or N.F.?</p> <p>6 MR. FRANKLIN: Vague and ambiguous.</p> <p>7 BY MR. FIELDS:</p> <p>8 Q Wrongful conduct of the type alleged in</p> <p>9 this complaint?</p> <p>10 A Again, it goes back to original, when we</p> <p>11 started out. I don't know if they were on the other</p> <p>12 end of that phone or if they were the ones showing up</p> <p>13 in those numbers on the bluff. So, I -- I can't give</p> <p>14 you an answer "Yes" or "No." I don't know.</p> <p>15 MR. FIELDS: I have no further questions.</p> <p>16</p> <p>17 EXAMINATION</p> <p>18 BY MR. WORGUL:</p> <p>19 Q Mr. Spencer, my name is John Worgul.</p> <p>20 I'm counsel for Brant Blakeman.</p> <p>21 Just real quickly, what's your height</p> <p>22 and weight?</p> <p>23 A My height and weight?</p> <p>24 Q Yeah.</p> <p>25 A Five-two, 115 at my last physical.</p> <p>Page 222</p>	<p>1 BY MR. WORGUL:</p> <p>2 Q Officer Spencer, describe Brant Blakeman</p> <p>3 for me.</p> <p>4 A Describe him?</p> <p>5 Q Yes, physically.</p> <p>6 A Physically? Male, white. I don't know</p> <p>7 his specific height.</p> <p>8 Q Can you estimate for me, please?</p> <p>9 A I'd probably say five-eight to</p> <p>10 five-eleven.</p> <p>11 Q If I stood up, is he taller than me?</p> <p>12 A Can I stand up?</p> <p>13 MR. FRANKLIN: Sure.</p> <p>14 MR. WORGUL: However you desire.</p> <p>15 THE WITNESS: He may or may not be a few inches</p> <p>16 either way. I couldn't tell you.</p> <p>17 BY MR. WORGUL:</p> <p>18 Q As you sit here today, you can't tell</p> <p>19 me?</p> <p>20 A Correct.</p> <p>21 Q What do you believe his weight is?</p> <p>22 A I've never seen him on a scale but ...</p> <p>23 Q Well, let me ask you, Officer, you're</p> <p>24 used to describing people by their ethnicity, height,</p> <p>25 weight, because you do that regularly as a police</p> <p>Page 224</p>
<p>1 Q And --</p> <p>2 A Gravity could make that different.</p> <p>3 Q Okay. And have you generally been that</p> <p>4 same weight for the past ten years?</p> <p>5 A Generally, yes.</p> <p>6 Q Did your size ever preclude you from</p> <p>7 working certain details as a police officer?</p> <p>8 A No, not that -- I mean, not that I know</p> <p>9 of.</p> <p>10 Q What's your address?</p> <p>11 MR. FRANKLIN: I'm going to object and instruct</p> <p>12 you not to answer on that there's a Penal Code</p> <p>13 provision where a police officer doesn't need to</p> <p>14 identify his address; so, if you need to contact him,</p> <p>15 you can do so through me. Later we can work something</p> <p>16 out with a protective order in place.</p> <p>17 MR. WORGUL: Okay.</p> <p>18 THE WITNESS: I wasn't going to give it to you</p> <p>19 anyways.</p> <p>20 MR. WORGUL: That's okay. I'm sure we'll work</p> <p>21 something out, if it's necessary; or, if not, we'll go</p> <p>22 to court, and we'll deal with it.</p> <p>23 THE WITNESS: I'm sure you can find it through</p> <p>24 Google.</p> <p>25 ////</p> <p>Page 223</p>	<p>1 officer, don't you?</p> <p>2 A I do.</p> <p>3 Q So, based on your experience in doing</p> <p>4 that, what do you believe my -- or Brant Blakeman's</p> <p>5 weight was --</p> <p>6 A So, estimations?</p> <p>7 Q -- whenever you observed him?</p> <p>8 A I give estimations even when I'm on</p> <p>9 duty. Nothing is 100 percent right. So, to estimate,</p> <p>10 his weight would be 170 to 185.</p> <p>11 Q Hair color?</p> <p>12 A Kind of a light brown, blond, sandy --</p> <p>13 not bleach blond; not black; not dark brown.</p> <p>14 Q Eye color?</p> <p>15 A I don't know his eye color.</p> <p>16 Q Were there any other physical</p> <p>17 characteristics that you're aware of that would</p> <p>18 describe Mr. Blakeman that you have not told me so far?</p> <p>19 MR. FRANKLIN: Vague and ambiguous.</p> <p>20 THE WITNESS: Not that -- not that I recall.</p> <p>21 BY MR. WORGUL:</p> <p>22 Q Tattoos?</p> <p>23 A Not that I recall.</p> <p>24 Q How about clothing or wetsuits or</p> <p>25 surfboards, anything that you would associate with him?</p> <p>Page 225</p>

<p>1 A Green surfboard, kneeboard. He rides a 2 kneeboard, Bark, I believe, with white writing, Bark. 3 Most of the time, I would either see him, like, in a 4 Pendleton shorts and sandals on a bike or on foot 5 carrying a selfie GoPro stick with a GoPro attached. 6 Q How many times have you seen 7 Mr. Blakeman in your life? 8 A Person-to-person or video? 9 Q Observed him with your eyes. 10 A Again, physically with my eyes, 11 person-to-person like -- 12 Q Like you're not a video; not a picture. 13 You actually see him in -- 14 A Fair enough. 15 Q -- in a setting. 16 A Three times. 17 Q When was the first time? 18 A January 29th, 2016. 19 Q Was that in the water? 20 A In the water. 21 Q And did you see him outside of the water 22 that day? 23 A Yes. 24 Q Where outside of the water? 25 A At the base or on -- or on the palapa</p> <p style="text-align: right;">Page 226</p>	<p>1 he was? 2 A I believe, while in the water, Chris 3 told me his name was Brent Blakeman and later -- and, 4 at which point I want to say -- I don't know when I 5 became aware that it was Brant Blakeman, his true name. 6 Q Okay. 7 A But I was told who he was on the first 8 day in the water. 9 Q Okay. So you saw him, then, on the 10 beach before you got in the water; is that right? 11 A Correct. 12 Q And, then, you later saw him out in the 13 water; is that correct? 14 A Correct. 15 Q And, then, you learned who he was? 16 A Correct. 17 Q And that was from Mr. Taloa who told you 18 who he was? 19 A Correct. 20 Q Why did Mr. Taloa tell you who he was? 21 MR. FRANKLIN: Calls for speculation. 22 THE WITNESS: I don't know why he told me. 23 BY MR. WORGUL: 24 Q What was the context that the 25 conversation arose in?</p> <p style="text-align: right;">Page 228</p>
<p>1 for -- illegal, unpermitted structure at Lunada Bay. 2 Q Okay. So what's commonly referred to as 3 the "fort" or the "patio" -- 4 A Yes. 5 Q -- that's located on the beach; correct? 6 A Yes. 7 Q It abuts the cliff; is that correct? 8 A Correct. 9 Q Is that the northern area of the bay; is 10 that correct? 11 A Correct. 12 Q And did you see him in the fort; on the 13 fort; in the beach front? Where in relation to the 14 fort? 15 A So, in what would be considered, I 16 guess, the south end of the fort, since the coast runs 17 on the south portion of it at the base; just, you know, 18 where you could step up on it. 19 Q Okay. 20 Have you ever -- I'm sorry. On 21 January 29th of 2016, were you aware of who Blake -- 22 Brant Blakeman was at that time? 23 A I was not. 24 Q Okay. 25 When did you first become aware of who</p> <p style="text-align: right;">Page 227</p>	<p>1 A Well, this guy was -- Brant -- I'll say 2 Brant -- was circling us in the water and very 3 specifically really close to Chris trying to prevent 4 him from getting waves; and, like, we just had a 5 conversation -- I don't remember the start of it or 6 however it was; but, like, Chris knew who Brant was or 7 Mr. Blakeman. 8 Q And did, Officer, did Mr. Taloa say how 9 he knew who Mr. Blakeman was? 10 A Not then, no. 11 Q Okay. And it's your perception or 12 assumption that the reason he talked to you -- 13 Mr. Taloa told you who Mr. Blakeman was, was because 14 you're alleging that Mr. Blakeman was circling you? 15 A I'm not alleging. He did circle me -- 16 yes, I am alleging in the complaint, yes. So, he did 17 circle us. He did circle me. 18 Q What's a "circle"? What do you mean 19 when he circles you? Is he going a complete 360-degree 20 circle around you? 21 A Complete 360 in front; blocking; 22 obstructing. 23 Q What's he obstructing you from? 24 A Catching the waves. 25 Q Well, why do you believe he's</p> <p style="text-align: right;">Page 229</p>

<p>1 obstructing you from catching a wave?</p> <p>2 MR. FRANKLIN: Argumentative.</p> <p>3 THE WITNESS: So, when somebody is that close</p> <p>4 to you in front of you when you're trying to paddle</p> <p>5 forward, you don't want to paddle and hit them; so,</p> <p>6 when they're in front of you, they're trying to prevent</p> <p>7 you from catching waves.</p> <p>8 BY MR. WORGUL:</p> <p>9 Q Could they be trying to catch a wave as</p> <p>10 well?</p> <p>11 MR. FRANKLIN: Assumes facts not in evidence;</p> <p>12 lacks foundation.</p> <p>13 THE WITNESS: On that day, in my opinion,</p> <p>14 Mr. Blakeman was obstructing us from catching waves.</p> <p>15 MR. WORGUL: I'm going to move to strike as</p> <p>16 nonresponsive.</p> <p>17 Could you please read back my question?</p> <p>18 (Whereupon, the pending question</p> <p>19 was read back by the court reporter.)</p> <p>20 THE WITNESS: No.</p> <p>21 BY MR. WORGUL:</p> <p>22 Q Okay. Whose waves are the waves out in</p> <p>23 Lunada Bay?</p> <p>24 MR. FRANKLIN: Vague and ambiguous.</p> <p>25 THE WITNESS: They -- they should belong to</p> <p style="text-align: right;">Page 230</p>	<p>1 BY MR. WORGUL:</p> <p>2 Q You indicated that certain people are</p> <p>3 obstructing other people out there, and I'm asking you</p> <p>4 who makes that determination?</p> <p>5 MR. FRANKLIN: Vague and ambiguous.</p> <p>6 THE WITNESS: Well, there's certain -- there's</p> <p>7 etiquette that's been established in surfing.</p> <p>8 BY MR. WORGUL:</p> <p>9 Q Who established the etiquette?</p> <p>10 MR. FRANKLIN: Vague and ambiguous.</p> <p>11 THE WITNESS: Generations of surfers.</p> <p>12 BY MR. WORGUL:</p> <p>13 Q Okay. Where is it written down?</p> <p>14 MR. FRANKLIN: Vague and ambiguous.</p> <p>15 THE WITNESS: It's not written down that I know</p> <p>16 of.</p> <p>17 BY MR. WORGUL:</p> <p>18 Q Okay. Who is the authority on the</p> <p>19 etiquette?</p> <p>20 MR. FRANKLIN: Vague and ambiguous; calls for</p> <p>21 expert testimony. Also, calls for a legal conclusion</p> <p>22 to the extent it involves Palos Verdes Estates</p> <p>23 Municipal Code.</p> <p>24 MR. WORGUL: We're not talking about municipal</p> <p>25 codes. We're talking about the etiquette that</p> <p style="text-align: right;">Page 232</p>
<p>1 everybody.</p> <p>2 BY MR. WORGUL:</p> <p>3 Q Even the people that you allege that are</p> <p>4 Bay Boys?</p> <p>5 MR. FRANKLIN: Vague and ambiguous.</p> <p>6 THE WITNESS: Yes.</p> <p>7 BY MR. WORGUL:</p> <p>8 Q Okay. So, those people have just as</p> <p>9 much a right to surf out there as you do; right?</p> <p>10 MR. FRANKLIN: Vague and ambiguous; calls for</p> <p>11 legal conclusion.</p> <p>12 THE WITNESS: If they were not obstructing and</p> <p>13 preventing us from surfing, as well as the rest of the</p> <p>14 public, then, I would say yes.</p> <p>15 BY MR. WORGUL:</p> <p>16 Q Who is "us"?</p> <p>17 A Anybody that wants to go out there and</p> <p>18 surf.</p> <p>19 Q Okay.</p> <p>20 Who makes the determination on whether</p> <p>21 someone is obstructing somebody out there?</p> <p>22 MR. FRANKLIN: Argumentative; lacks foundation.</p> <p>23 THE WITNESS: Who -- repeat the question.</p> <p>24 MR. FRANKLIN: Vague and ambiguous.</p> <p>25 ////</p> <p style="text-align: right;">Page 231</p>	<p>1 Officer Spencer just described. That's all I'm talking</p> <p>2 about.</p> <p>3 Q Who is the authority on that?</p> <p>4 MR. FRANKLIN: Argumentative; same objections.</p> <p>5 THE WITNESS: The authority is not known to me,</p> <p>6 but there's well-established surfing etiquette that's</p> <p>7 been in place for hundreds of years.</p> <p>8 BY MR. WORGUL:</p> <p>9 Q Where did it start?</p> <p>10 A I don't know.</p> <p>11 Q How do you know it's been in place for</p> <p>12 hundreds of years then?</p> <p>13 A Because I've been surfing for 40 years</p> <p>14 or 30 years, and that's just how it is.</p> <p>15 Q Do you believe that by Mr. Blakeman</p> <p>16 allegedly circling you and blocking you, that he was</p> <p>17 committing a crime?</p> <p>18 MR. FRANKLIN: Calls for legal conclusion.</p> <p>19 THE WITNESS: I believe one could be</p> <p>20 articulated.</p> <p>21 BY MR. WORGUL:</p> <p>22 Q What?</p> <p>23 A I would say -- and I'm not fully aware</p> <p>24 of the municipal code that counsel's referenced, but I</p> <p>25 believe that if you're blocking and you're obstructing</p> <p style="text-align: right;">Page 233</p>

<p>1 one's movement, you could possibly articulate a false 2 imprisonment. It would -- it would be cause for a lot 3 of review in Penal Code, which I don't have in front of 4 me, and I'm not 100 percent clear on, but it's possible 5 one could articulate false imprisonment. 6 Q Officer Spencer, other than false 7 imprisonment being potentially a crime that you believe 8 that would fit within the actions of Mr. Blakeman 9 circling and blocking you, are there any other crimes 10 that you believe Mr. Blakeman was potentially 11 committing at that time? 12 MR. FRANKLIN: Objection to the extent it calls 13 for legal conclusion; also, to the extent it calls for 14 expert testimony. 15 THE WITNESS: None that I'm aware of right now. 16 MR. WORGUL: Okay. 17 Q Have you ever actually spoken to 18 Mr. Blakeman? 19 A No. 20 Q Has Mr. Blakeman ever said any words to 21 you? 22 A No. 23 Q Other than the circling -- alleged 24 circling and alleged blocking on January 29 of 2016, 25 are there any other actions that you believe</p> <p style="text-align: right;">Page 234</p>	<p>1 here. It could be him. I don't know. 2 Q Do you have any actual knowledge that 3 he's done those things? 4 A No, I don't. 5 Q Okay. 6 Do you have any reason to believe that 7 he's done those things, other than your own 8 assumptions, for example, somebody else said something 9 or some other reason other than your feelings? 10 MR. FRANKLIN: Vague and ambiguous. 11 THE WITNESS: Not that I know of. 12 MR. WORGUL: Okay. 13 Q When -- I think one of the only other 14 actions or interactions you had with Mr. Blakeman was 15 him, as you put it, putting a GoPro in your face; is 16 that right? 17 A Correct. 18 Q Okay. So, other than the circling you 19 in the water and allegedly blocking you from getting a 20 wave; and other than him talking on the telephone and, 21 then, other people arriving at Lunada Bay; and other 22 than the GoPro -- putting the GoPro in your face, is 23 there anything else that you believe Mr. Blakeman has 24 done that's been directed to you? 25 MR. FRANKLIN: Vague and ambiguous.</p> <p style="text-align: right;">Page 236</p>
<p>1 Mr. Blakeman has directed to you at any point in time? 2 MR. FRANKLIN: Vague and ambiguous. 3 THE WITNESS: I don't know. It's possible. 4 BY MR. WORGUL: 5 Q As you sit here today, can you tell me 6 other actions that you believe Mr. Blakeman has 7 directed to you other than the ones that occurred with 8 the alleged circling and blocking that occurred in the 9 water on January 29 of 2016? 10 MR. FRANKLIN: Vague and ambiguous; misstates 11 prior testimony. 12 THE WITNESS: I don't know. I mean, I find it 13 very odd that when people get on their phones, he, 14 along with many others, happen to show up; so, it's 15 possible. 16 BY MR. WORGUL: 17 Q So, are you saying that, in addition to 18 the alleged circling you in the water and blocking you 19 from the waves, you're also saying that him talking on 20 the telephone and, then, other people arriving at the 21 location of Lunada Bay may also be something that he 22 directed at you? 23 A It could be, because he could be one of 24 the ones that calls out to and tells people they're 25 kooks and to go fucking get home and why did they come</p> <p style="text-align: right;">Page 235</p>	<p>1 THE WITNESS: You forgot potentially being ones 2 that call out to the outsiders to leave and to go home 3 and yell expletives. No. 4 BY MR. WORGUL: 5 Q But you never heard him yell expletives 6 at you; correct? 7 A No, but it's possible he could have been 8 one of them. 9 Q As you sit here today, can you tell me 10 he's yelled out expletives to you at any point in time? 11 A I can't. 12 MR. FRANKLIN: Asked and answered. 13 BY MR. WORGUL: 14 Q As you sit here today, can you tell me 15 that Mr. Blakeman has told anyone else to direct some 16 sort of action against you? 17 MR. FRANKLIN: Assumes facts not in evidence; 18 lacks foundation. 19 THE WITNESS: I don't know. I can only tell 20 you that -- his actions towards me. 21 MR. WORGUL: Okay. 22 Q Now, the putting the GoPro in your face, 23 I think before you said that he was never closer than 24 about five feet from you; is that right? 25 A That would be fair, yes.</p> <p style="text-align: right;">Page 237</p>

<p>1 Q Okay. And you had, I believe, a belief</p> <p>2 that he was doing that in order to document who you</p> <p>3 were; is that right?</p> <p>4 A That's my belief. I mean ...</p> <p>5 Q Why do you have that belief?</p> <p>6 A Why would -- I'm just -- I have to</p> <p>7 wonder to myself when I show up at a place that has</p> <p>8 been documented over decades to be difficult to access;</p> <p>9 difficult to surf; people have been harassed, and now</p> <p>10 you have a group that wants to peacefully go there and</p> <p>11 peacefully enjoy that area, I have to wonder why</p> <p>12 somebody would be filming all of this.</p> <p>13 Q Well --</p> <p>14 A I don't know why they would walk around</p> <p>15 and record somebody other than to share with all their</p> <p>16 friends, who I believe that are other Bay Boys, to</p> <p>17 identify us to them and say either, "Hey, these guys</p> <p>18 are the ones that are creating problems for us," or,</p> <p>19 "Hey," you know, "be on the lookout for these guys.</p> <p>20 They're part of this movement that we don't want here."</p> <p>21 I don't know what his intentions are with the camera.</p> <p>22 It's just odd.</p> <p>23 Q Have you articulated your entire belief</p> <p>24 as to why you think Mr. Blakeman was documenting you</p> <p>25 with a camera?</p> <p>Page 238</p>	<p>1 THE WITNESS: The only camera that I've seen</p> <p>2 was with Chris, and he takes it down with him and holds</p> <p>3 it in his mouth while he boogie-boards.</p> <p>4 BY MR. WORGUL:</p> <p>5 Q Does he do that to document people to</p> <p>6 figure out who they are?</p> <p>7 MR. FRANKLIN: Assumes facts not in evidence.</p> <p>8 THE WITNESS: I don't know his intentions with</p> <p>9 the camera, Chris. He -- I know that he had sent me</p> <p>10 videos of him boogie-boarding and getting in what's</p> <p>11 called the "tube" on his boogie board with his camera.</p> <p>12 BY MR. WORGUL:</p> <p>13 Q Do you think it's okay for Chris to go</p> <p>14 down there with a camera and not for Mr. Blakeman to go</p> <p>15 there with a camera?</p> <p>16 MR. FRANKLIN: Vague and ambiguous.</p> <p>17 THE WITNESS: I think it would be fine for</p> <p>18 Mr. Blakeman to go down there with a camera if he</p> <p>19 wasn't filming people that were showing up in -- what's</p> <p>20 the word I'm looking for? -- protest to their violent</p> <p>21 ways of being down there in their peaceful activism of</p> <p>22 going down there to want to surf peacefully. I think</p> <p>23 it would be fine if he just had his own camera to film</p> <p>24 his own surf footage; to video people that he knows.</p> <p>25 It's just odd and weird behavior for somebody to walk</p> <p>Page 240</p>
<p>1 MR. FRANKLIN: Vague and ambiguous.</p> <p>2 BY MR. WORGUL:</p> <p>3 Q Have you told me everything about that?</p> <p>4 MR. FRANKLIN: Same objection.</p> <p>5 THE WITNESS: That's -- that's all I can think</p> <p>6 of right now.</p> <p>7 BY MR. WORGUL:</p> <p>8 Q Okay. So, you've told me everything</p> <p>9 that you can recall as of today?</p> <p>10 A At this point, correct.</p> <p>11 MR. FRANKLIN: Same objections.</p> <p>12 BY MR. WORGUL:</p> <p>13 Q All right. Now, the group that you're</p> <p>14 with, do you guys call yourselves "Aloha Point" or</p> <p>15 something else?</p> <p>16 A Well, the Aloha Point is a name that was</p> <p>17 kind of quasi given to that area by, from what I</p> <p>18 understand, Chris Taloa. The Aloha Point Facebook is</p> <p>19 the Facebook page that people that want to go enjoy</p> <p>20 that area will message and communicate with each other</p> <p>21 on. I have -- I'm not on there; so, I don't know.</p> <p>22 Q Okay. And people who are part of that</p> <p>23 group, they bring cameras down to Lunada Bay, don't</p> <p>24 they?</p> <p>25 MR. FRANKLIN: Assumes facts not in evidence.</p> <p>Page 239</p>	<p>1 up to complete strangers with their GoPro. I don't see</p> <p>2 Chris Taloa doing that with his GoPro. He holds it in</p> <p>3 his mouth, and he surfs with it.</p> <p>4 BY MR. WORGUL:</p> <p>5 Q Well, aren't there videos that Mr. Taloa</p> <p>6 took that are in part of your initial disclosures?</p> <p>7 MR. FRANKLIN: Assumes facts not in evidence;</p> <p>8 lacks foundation.</p> <p>9 THE WITNESS: Yeah, there could be.</p> <p>10 BY MR. WORGUL:</p> <p>11 Q And aren't they of people that you're</p> <p>12 adverse to in this lawsuit?</p> <p>13 MR. FRANKLIN: Lacks foundation.</p> <p>14 THE WITNESS: I'm -- let's re -- let's get back</p> <p>15 to the point.</p> <p>16 BY MR. WORGUL:</p> <p>17 Q I've actually -- I'd just like you to</p> <p>18 answer my question.</p> <p>19 MR. FRANKLIN: Argumentative.</p> <p>20 THE WITNESS: Restate your question.</p> <p>21 MR. WORGUL: Read it back, please.</p> <p>22 (Whereupon, the record was read back</p> <p>23 by the court reporter as follows:</p> <p>24 "Q And aren't they of people that</p> <p>25 you're adverse to in this lawsuit?")</p> <p>Page 241</p>

<p>1 THE WITNESS: You're talking about Chris' 2 videos? 3 MR. WORGUL: Yes. 4 THE WITNESS: They could be. I don't know what 5 he has on his videos. 6 BY MR. WORGUL: 7 Q When Mr. Blakeman was using his camera 8 on a selfie stick or GoPro, whatever you termed it to 9 be, was he committing a crime? 10 MR. FRANKLIN: Calls for legal conclusion; 11 assumes facts; lacks foundation. 12 THE WITNESS: I don't know at this time. 13 BY MR. WORGUL: 14 Q Well, you're a police officer, aren't 15 you? 16 MR. FRANKLIN: Argumentative. 17 THE WITNESS: I don't know every law on the 18 Penal Code. He could have been. 19 MR. FRANKLIN: Mr. Spencer, he has a fast 20 cadence; so, just slow down so I can object. 21 THE WITNESS: Okay. 22 BY MR. WORGUL: 23 Q Did you feel like you were in bodily 24 harm at any point in time when Mr. Blakeman had his 25 camera out and you observed it?</p> <p>Page 242</p>	<p>1 BY MR. WORGUL: 2 Q Okay. So what else was it that 3 Mr. Blakeman was doing other than having the camera on 4 a pole five feet away from you that made you feel like 5 you were in bodily harm? 6 MR. FRANKLIN: Asked and answered. 7 THE WITNESS: I'll restate my answer. 8 Other guys showing up. They're all on 9 phones. It feels a little intimidating. It could be a 10 possible harm. 11 MR. WORGUL: And I'm just going to move to 12 strike because I'm asking about what else Mr. Blakeman 13 did, not what other people did. I'm asking about him. 14 Q Other than having the camera on the pole 15 and being five feet away from you, was there anything 16 else that he did that made you feel like you were in 17 risk of bodily harm? 18 MR. FRANKLIN: Asked and answered. 19 THE WITNESS: My original answer is what I stay 20 with. 21 BY MR. WORGUL: 22 Q So, am I correct that there was no other 23 action that made you feel as if you were in bodily harm 24 that Mr. Blakeman did other than have a camera on a 25 pole within five feet of you?</p> <p>Page 244</p>
<p>1 A The potential was there. It crossed my 2 mind. 3 Q What made you feel in bodily harm by 4 Mr. Blakeman having his camera out? 5 A It's potentially attached to a weapon. 6 Q That's not my question. My question is 7 just -- 8 A But you're asking if I felt. 9 Q Okay. 10 A Right? So, it crossed my mind; so, when 11 I feel -- when it crosses my mind, I feel what I'm 12 thinking; so, the thought was there. 13 Q Okay. 14 Do you think that's a reasonable belief? 15 MR. FRANKLIN: Argumentative. 16 THE WITNESS: Yes. 17 BY MR. WORGUL: 18 Q Okay. And was there anything other than 19 having his camera attached to a selfie stick or a pole 20 that made you feel you were in danger of bodily harm? 21 MR. FRANKLIN: Vague and ambiguous. 22 THE WITNESS: Again, when people are showing up 23 and people are on phones, those thoughts cross your 24 mind, why are these guys showing up? Yes. 25 ////</p> <p>Page 243</p>	<p>1 MR. FRANKLIN: Misstates prior testimony; 2 argumentative. 3 THE WITNESS: And other people showing up with 4 -- on phones and being in the same area. 5 BY MR. WORGUL: 6 Q Why do you believe Mr. Blakeman is 7 responsible for other people showing up on phones in 8 the same area? 9 A Because that's just what happens there. 10 Q Other than that's just what happens 11 there, is there any other reason you believe 12 Mr. Blakeman is responsible for other people showing up 13 with their phones? 14 A No. 15 MR. FRANKLIN: Asked and answered. 16 BY MR. WORGUL: 17 Q Okay. Now, getting to the people 18 showing up with phones, every time that you've arrived 19 at the Lunada Bay to surf, you arrive in the morning; 20 correct? 21 A Both times that I showed up. One time 22 was to surf. 23 Q Okay. 24 How early in the morning? 25 A Um, 5:30 to 6:00 a.m.</p> <p>Page 245</p>

<p>1 Q And they were good surfing days?</p> <p>2 A Both days were good surfing days.</p> <p>3 Q And how many years have you been</p> <p>4 surfing?</p> <p>5 A Thirty plus.</p> <p>6 Q Okay. And in your 30-plus years, has it</p> <p>7 been your experience that as the morning light starts</p> <p>8 to come and the sky starts to light up, that more</p> <p>9 people show up to a beach when there's good waves?</p> <p>10 A Yes.</p> <p>11 Q Okay. And is that consistent with more</p> <p>12 people showing up at Lunada Bay?</p> <p>13 MR. FRANKLIN: Assumes facts not in evidence;</p> <p>14 lacks foundation.</p> <p>15 THE WITNESS: It would be reasonable that more</p> <p>16 and more people would show up.</p> <p>17 BY MR. WORGUL:</p> <p>18 Q Have you ever been -- strike that.</p> <p>19 Do you surf with other people?</p> <p>20 MR. FRANKLIN: Vague and ambiguous.</p> <p>21 THE WITNESS: Yes.</p> <p>22 BY MR. WORGUL:</p> <p>23 Q Have you ever called one of your friends</p> <p>24 when the waves are good and said, "Hey, the waves are</p> <p>25 good"?</p> <p style="text-align: right;">Page 246</p>	<p>1 possible?</p> <p>2 A Anything --</p> <p>3 MR. FRANKLIN: Argumentative.</p> <p>4 THE WITNESS: Anything is possible.</p> <p>5 MR. WORGUL: Okay.</p> <p>6 Q Have you ever heard any of the</p> <p>7 conversations that any of the people have been on that</p> <p>8 are on the phones that you're alleging you see these</p> <p>9 people that are at Lunada Bay on the phones? Have you</p> <p>10 ever overheard the actual conversations they're having?</p> <p>11 A No.</p> <p>12 Q Have you ever seen anyone on</p> <p>13 walkie-talkies there?</p> <p>14 A I have not.</p> <p>15 Q You've used the term "Bay Boy," and I've</p> <p>16 seen many times you take your hands and you put quotes</p> <p>17 whenever you say that. Why do you do that?</p> <p>18 A Why do I say it, or why do I make the</p> <p>19 quotes?</p> <p>20 Q Put the figures of quotes around it.</p> <p>21 A Just to, I guess, set that term apart</p> <p>22 for what it is. It's -- it's a name given to a group</p> <p>23 of alleged individuals, I guess.</p> <p>24 Q Okay.</p> <p>25 A I don't know why I do it.</p> <p style="text-align: right;">Page 248</p>
<p>1 MR. FRANKLIN: Vague and ambiguous.</p> <p>2 THE WITNESS: Yes.</p> <p>3 BY MR. WORGUL:</p> <p>4 Q Do they sometimes come to where you're</p> <p>5 at and surf?</p> <p>6 A Yes.</p> <p>7 Q And does that increase the amount of</p> <p>8 people that are in that location then?</p> <p>9 A Yes.</p> <p>10 Q Okay.</p> <p>11 Is that possible that that's what those</p> <p>12 people on their phones were doing at Lunada Bay?</p> <p>13 A I don't believe that's what they do</p> <p>14 there.</p> <p>15 MR. FRANKLIN: Assumes facts not in evidence.</p> <p>16 BY MR. WORGUL:</p> <p>17 Q As far as you're concerned, that's</p> <p>18 impossible; correct?</p> <p>19 MR. FRANKLIN: Misstates prior testimony.</p> <p>20 THE WITNESS: No.</p> <p>21 BY MR. WORGUL:</p> <p>22 Q Okay. Well, is it possible?</p> <p>23 A I don't believe that's what they're</p> <p>24 doing there.</p> <p>25 Q But I'm just asking you if it's</p> <p style="text-align: right;">Page 247</p>	<p>1 Q What is a Bay Boy?</p> <p>2 A A Bay Boy is a gang member that controls</p> <p>3 the territory of Lunada Bay.</p> <p>4 Q Anything else?</p> <p>5 A They have been documented, and it's</p> <p>6 known that they vandalize, and they keep people from</p> <p>7 accessing the bay.</p> <p>8 Q Anything else?</p> <p>9 A That's good for now. If I think of</p> <p>10 anything later, I can tell you.</p> <p>11 Q How can you distinguish -- are all the</p> <p>12 Bay Boys male, or are there female Bay Boys?</p> <p>13 A I don't know all of them. I don't know</p> <p>14 all of their genders, but I'm assuming the majority</p> <p>15 would be male.</p> <p>16 Q Do you know who the Crips are?</p> <p>17 A Well, I don't know -- again, I don't</p> <p>18 know them individually, but I know what the Crips are.</p> <p>19 Q You learned who they were in your time</p> <p>20 with the Los Angeles Police Department?</p> <p>21 A Before that.</p> <p>22 Q Okay. And throughout your work with the</p> <p>23 L.A.P.D.; right?</p> <p>24 A Yes.</p> <p>25 Q Officer, do you know who the Bloods are?</p> <p style="text-align: right;">Page 249</p>

1 A Yes.
2 Q Do you know of other gangs as well?
3 A A few.
4 Q Okay. And in your experience working as
5 a police officer, there are usually certain
6 characteristics that define what a member of those
7 gangs are; right?
8 MR. FRANKLIN: Vague and ambiguous; assumes
9 facts not in evidence; lacks foundation.
10 THE WITNESS: There's -- again, do I know all
11 the elements that constitute a gang or what the
12 definition, or who made up the definition of a gang is?
13 I don't know that.
14 BY MR. WORGUL:
15 Q Then how do you know that the Bay Boys
16 are a gang?
17 A The general characteristics of what is
18 commonly thought of as a gang is what I'm referring to
19 them as a gang.
20 Q Have you ever known a law enforcement
21 agency to designate the Bay Boys as a gang?
22 MR. FRANKLIN: Assumes facts not in evidence;
23 lacks foundation.
24 THE WITNESS: I don't know of any law
25 enforcement agency, no.

Page 250

1 BY MR. WORGUL:
2 Q Have you ever known of any law
3 enforcement agency attempt to designate a gang dubbed
4 the Bay Boys?
5 MR. FRANKLIN: Assumes facts not in evidence;
6 lacks foundation.
7 THE WITNESS: Not that I'm aware of.
8 MR. WORGUL: Okay.
9 Q Are you aware of any murders that have
10 occurred in Lunada Bay?
11 A I'm not.
12 Q Okay.
13 Are you aware of any drug dealing that's
14 occurred in Lunada Bay?
15 A I've heard that it goes on.
16 Q What have you heard?
17 A That there's narcotic use distribution.
18 Q From who?
19 A Just general knowledge. Nobody in
20 specific.
21 Q As you sit here today, can you tell me
22 one person that has told you about drug use or
23 distribution occurring at Lunada Bay?
24 A So, interestingly enough, I had a
25 ride-along with a young kid. I don't recall his name,

Page 251

1 but he is under the opinion that there's a bunch of
2 narcotic use going on there, and he grew up and
3 actually attempted to surf in Lunada Bay, and stated
4 that there's drug use that goes on there.
5 Q Okay.
6 A I can't substantiate that or corroborate
7 it.
8 MR. WORGUL: I'll move to strike.
9 Q I just want to know if you know the name
10 of anyone who alleges that there's drug abuse --
11 A Oh.
12 Q -- or narcotic use? Do you know the
13 name of anyone as you sit here today?
14 A I don't recall his name. Sorry.
15 Q Other than him, is there any other names
16 that you know, as you sit here today, of people who
17 have alleged that there's drug abuse or narcotic use or
18 drug trafficking occurring at Lunada Bay?
19 MR. FRANKLIN: Vague and ambiguous.
20 THE WITNESS: There's many names that I don't
21 know that have alleged that there's drug abuse going on
22 there.
23 BY MR. WORGUL:
24 Q Do you contend that Brant Blakeman is
25 involved with any drug abuse?

Page 252

1 A I don't know.
2 Q Okay.
3 Do you contend that he is involved with
4 any drug trafficking?
5 A I don't know.
6 Q Okay.
7 Would it be fair to say that you don't
8 have any knowledge of whether Mr. Blakeman is involved
9 with drug use or drug trafficking?
10 MR. FRANKLIN: Misstates prior testimony; vague
11 and ambiguous; lacks foundation.
12 THE WITNESS: I don't know.
13 MR. WORGUL: Okay.
14 Q Are you aware of any assaults with
15 deadly weapons occurring at Lunada Bay?
16 MR. FRANKLIN: Vague and ambiguous.
17 THE WITNESS: Any assaults with deadly weapons?
18 I am aware of stories but are you looking -- restate
19 your question.
20 BY MR. WORGUL:
21 Q Do you have actual knowledge of any
22 assaults with deadly weapons occurring at Lunada Bay?
23 MR. FRANKLIN: Objection to the extent it calls
24 for a legal conclusion.
25 THE WITNESS: Just what's been documented in

Page 253

<p>1 press and stories.</p> <p>2 BY MR. WORGUL:</p> <p>3 Q Would it be fair to say that you don't</p> <p>4 have -- would it be fair to say that you lack personal</p> <p>5 knowledge regarding any assaults with deadly weapons</p> <p>6 that occurred at Lunada Bay?</p> <p>7 MR. FRANKLIN: Vague and ambiguous; calls for</p> <p>8 legal conclusion.</p> <p>9 THE WITNESS: No, I don't think that's fair</p> <p>10 because I personally read reports. I've seen video.</p> <p>11 I've seen footage of rock throwing, which can be</p> <p>12 considered a deadly weapon; so, no, that's not a fair</p> <p>13 statement.</p> <p>14 BY MR. WORGUL:</p> <p>15 Q Okay, but you've never seen it actually</p> <p>16 happen. You've just viewed a picture or read a report;</p> <p>17 correct?</p> <p>18 MR. FRANKLIN: Vague and ambiguous; calls for</p> <p>19 legal conclusion.</p> <p>20 THE WITNESS: Correct.</p> <p>21 MR. WORGUL: Okay.</p> <p>22 Q Do you have any actual knowledge of any</p> <p>23 person shooting at an inhabited dwelling or an occupied</p> <p>24 motor vehicle in Lunada Bay?</p> <p>25 A No.</p> <p>Page 254</p>	<p>1 Q Do you have any actual knowledge of</p> <p>2 anyone engaged in money laundering at Lunada Bay?</p> <p>3 MR. FRANKLIN: Assumes facts not in evidence.</p> <p>4 THE WITNESS: No.</p> <p>5 BY MR. WORGUL:</p> <p>6 Q Do you have any actual knowledge of</p> <p>7 anyone engaged in kidnapping at Lunada Bay?</p> <p>8 A No.</p> <p>9 Q Do you have any actual knowledge of</p> <p>10 anybody engaged in mayhem at Lunada Bay?</p> <p>11 MR. FRANKLIN: Vague and ambiguous; calls for</p> <p>12 legal conclusion.</p> <p>13 THE WITNESS: No.</p> <p>14 BY MR. WORGUL:</p> <p>15 Q Do you have any actual knowledge of</p> <p>16 anybody engaged in aggravated mayhem at Lunada Bay?</p> <p>17 MR. FRANKLIN: Same objection.</p> <p>18 THE WITNESS: No.</p> <p>19 BY MR. WORGUL:</p> <p>20 Q Do you have any actual knowledge of</p> <p>21 anyone being engaged in torture at Lunada Bay?</p> <p>22 A No.</p> <p>23 Q Do you have any actual knowledge of</p> <p>24 anyone being engaged in felony extortion at Lunada Bay?</p> <p>25 MR. FRANKLIN: Vague and ambiguous; assumes</p> <p>Page 256</p>
<p>1 Q Do you have any actual knowledge of any</p> <p>2 person discharging or permitting the discharge of a</p> <p>3 firearm from a motor vehicle in Lunada Bay?</p> <p>4 A I don't have any knowledge of that.</p> <p>5 Q Do you have any actual knowledge of any</p> <p>6 person committing arson at Lunada Bay?</p> <p>7 A No.</p> <p>8 Q Do you have any knowledge of any person</p> <p>9 committing or engaged in grand theft at Lunada Bay?</p> <p>10 MR. FRANKLIN: Vague and ambiguous.</p> <p>11 THE WITNESS: No.</p> <p>12 BY MR. WORGUL:</p> <p>13 Q Do you have any actual knowledge of</p> <p>14 anybody committing grand theft of a firearm at</p> <p>15 Lunada Bay?</p> <p>16 A No.</p> <p>17 Q Do you have any actual knowledge of</p> <p>18 anybody engaged in burglary at Lunada Bay?</p> <p>19 A Actual knowledge? No.</p> <p>20 Q Do you have any actual knowledge of</p> <p>21 anyone engaged in rape at Lunada Bay?</p> <p>22 A No.</p> <p>23 Q Do you have any actual knowledge of</p> <p>24 anyone engaged in looting at Lunada Bay?</p> <p>25 A No.</p> <p>Page 255</p>	<p>1 facts not in evidence.</p> <p>2 THE WITNESS: No.</p> <p>3 BY MR. WORGUL:</p> <p>4 Q Do you have any knowledge of anyone</p> <p>5 engaged in felony vandalism at Lunada Bay?</p> <p>6 MR. FRANKLIN: Vague and ambiguous; lacks</p> <p>7 foundation.</p> <p>8 THE WITNESS: No.</p> <p>9 BY MR. WORGUL:</p> <p>10 Q Do you have any actual knowledge of</p> <p>11 anyone engaged in carjacking at Lunada Bay?</p> <p>12 A No.</p> <p>13 Q Do you have any actual knowledge of</p> <p>14 anyone engaged in a sale, delivery, or transfer of a</p> <p>15 firearm at Lunada Bay?</p> <p>16 A No.</p> <p>17 Q Do you have any actual knowledge of any</p> <p>18 person engaged in the possession of a pistol, revolver,</p> <p>19 or other firearm capable of being concealed upon their</p> <p>20 person at Lunada Bay?</p> <p>21 A Repeat the question.</p> <p>22 Q Do you have any actual knowledge of any</p> <p>23 person being in the possession of a pistol, revolver,</p> <p>24 or other firearm capable of being concealed upon the</p> <p>25 person at Lunada Bay?</p> <p>Page 257</p>

65 (Pages 254 - 257)

<p>1 A Yes.</p> <p>2 Q Who?</p> <p>3 A Myself.</p> <p>4 Q Anyone else?</p> <p>5 A No.</p> <p>6 Q So, between you and the alleged gang</p> <p>7 members, you're the only person you know of that's</p> <p>8 brought a firearm to Lunada Bay?</p> <p>9 A Correct.</p> <p>10 Q Okay.</p> <p>11 Do you have any actual knowledge of any</p> <p>12 threats to commit a crime resulting in death to another</p> <p>13 person or great bodily injury that has occurred at</p> <p>14 Lunada Bay?</p> <p>15 MR. FRANKLIN: Lacks foundation; vague and</p> <p>16 ambiguous; calls for legal conclusion.</p> <p>17 THE WITNESS: No.</p> <p>18 BY MR. WORGUL:</p> <p>19 Q Do you have any knowledge of any person</p> <p>20 committing a theft or unlawful taking or driving of a</p> <p>21 vehicle at Lunada Bay?</p> <p>22 A No.</p> <p>23 Q Do you have any actual knowledge of</p> <p>24 anyone committing a felony theft of an access card or</p> <p>25 account information at Lunada Bay?</p> <p>Page 258</p>	<p>1 Q How has he done that?</p> <p>2 A I explained it earlier.</p> <p>3 Q By having the camera?</p> <p>4 MR. FRANKLIN: Counsel, if you can let him</p> <p>5 answer the question. You keep interrupting him, and</p> <p>6 he's trying to answer. So, if you could let him</p> <p>7 finish, that would be great.</p> <p>8 And if you need to speak, keep speaking.</p> <p>9 THE WITNESS: Okay.</p> <p>10 MR. WORGUL: My apologies, Officer.</p> <p>11 THE WITNESS: I explained it earlier. When</p> <p>12 you're in the water and you have somebody within two</p> <p>13 feet of you circling you; staring you down; preventing</p> <p>14 you from getting waves; preventing you from just</p> <p>15 enjoying the beach, like you came to do, he's -- he's</p> <p>16 blocking access to a public place. He's controlling</p> <p>17 that access, in my opinion. He, along with the other</p> <p>18 Bay Boys, are in a coordinated effort to restrict</p> <p>19 people from using that area as it was, in my belief,</p> <p>20 intended by God to be able to use not just for the few</p> <p>21 but for the entire public. And for those that feel</p> <p>22 comfortable to go surf in those waters, they should be</p> <p>23 able to do so without being afraid; without somebody</p> <p>24 throwing a camera in their face.</p> <p>25 ///</p> <p>Page 260</p>
<p>1 A No.</p> <p>2 Q Do you have any knowledge of any person</p> <p>3 counterfeiting, designing, using, or attempting to use</p> <p>4 an access card at Lunada Bay?</p> <p>5 A No.</p> <p>6 Q Do you have any knowledge of any person</p> <p>7 committing felony fraudulent use of an access card or</p> <p>8 account information at Lunada Bay?</p> <p>9 A No.</p> <p>10 Q Do you have any knowledge of any person</p> <p>11 committing unlawful use of personal identifying</p> <p>12 information to obtain credit, goods, services, or</p> <p>13 medical information at Lunada Bay?</p> <p>14 A No.</p> <p>15 Q Do you have any knowledge of any person</p> <p>16 wrongfully obtaining Department of Motor Vehicle</p> <p>17 documentation at Lunada Bay?</p> <p>18 A No.</p> <p>19 Q Do you have -- do you know what</p> <p>20 allegations you're making against Mr. Blakeman?</p> <p>21 A Well, he's -- how can I -- put it this</p> <p>22 way. He's denying access to any beachgoer that wants</p> <p>23 to use it, in my opinion.</p> <p>24 Q What has he done to deny you access?</p> <p>25 A To -- well, he's impeded my movement.</p> <p>Page 259</p>	<p>1 BY MR. WORGUL:</p> <p>2 Q Mr. Spencer --</p> <p>3 MR. FRANKLIN: He's not done.</p> <p>4 MR. WORGUL: I understand, but we have a</p> <p>5 limited amount of time here.</p> <p>6 MR. FRANKLIN: You asked the question. You</p> <p>7 don't get to stop him.</p> <p>8 MR. WORGUL: I move to strike this. In court I</p> <p>9 think a judge would agree with me he's not answering</p> <p>10 the question. He's gone well beyond it. Now he's</p> <p>11 testifying and giving a narrative.</p> <p>12 MR. FRANKLIN: You asked for a narrative,</p> <p>13 Counsel.</p> <p>14 MR. WORGUL: No, I didn't. I asked what he</p> <p>15 did.</p> <p>16 MR. FRANKLIN: You asked the question so --</p> <p>17 MR. WORGUL: About claims that are way afar of</p> <p>18 my question, and there's a limited amount of time, and</p> <p>19 I'd like to use it efficiently. So, I mean, if he</p> <p>20 wants to answer the questions, that would be much</p> <p>21 easier.</p> <p>22 Q Has Mr. Blakeman ever physically</p> <p>23 prevented you from walking from the bluff down to the</p> <p>24 beach?</p> <p>25 A Describe "physically." Give me an</p> <p>Page 261</p>

<p>1 explanation for that, because there's different forms 2 of physical interruption of movement. 3 Q Did he actually block your ability to 4 walk from the bluff to the beach? 5 A It's not clear. 6 Q Did he ever put an object in front of 7 you that stopped you from being able to walk from the 8 bluff to the beach? 9 A Yes. 10 Q What? 11 A I didn't feel comfortable with the 12 camera being so close to me with a stranger holding it 13 filming me. 14 Q Was that between you and the beach at 15 that time? 16 A Oh, yes. 17 Q Okay. 18 Could you have walked around it? 19 A Should I have to? 20 Q I'm just asking you if you could. 21 MR. FRANKLIN: Argumentative. 22 THE WITNESS: I guess I could have. 23 BY MR. WORGUL: 24 Q Was there anything preventing you from 25 walking around it?</p> <p style="text-align: right;">Page 262</p>	<p>1 testimony. 2 THE WITNESS: He wasn't trying to get waves. 3 He was trying to block us. 4 BY MR. WORGUL: 5 Q Why do you think he's out there? 6 MR. FRANKLIN: Assumes facts not in evidence; 7 lacks foundation. You've never asked him that. 8 MR. WORGUL: I'm asking him right now. 9 THE WITNESS: Why do I think he was out there? 10 BY MR. WORGUL: 11 Q Well, he was out there -- was he 12 swimming? 13 A He was on his kneeboard. 14 Q What was -- what is the purpose of a 15 kneeboard? 16 A Well, if -- if I wasn't there, I'd feel 17 that he would have got plenty of waves. But since I 18 was there and Chris Taloa was out there, it seemed he 19 was making a concerted effort to block us more than 20 trying to get waves himself. 21 Q Would you agree with me that surfing is 22 a competitive sport? 23 A No. 24 MR. FRANKLIN: Vague and ambiguous. 25 ///</p> <p style="text-align: right;">Page 264</p>
<p>1 MR. FRANKLIN: Argumentative. 2 THE WITNESS: Other people. 3 MR. WORGUL: Okay. 4 Q Did they actually stop you from walking 5 around it? 6 MR. FRANKLIN: Argumentative. 7 THE WITNESS: I didn't -- how can -- no. 8 MR. WORGUL: Okay. 9 Q Did Mr. Blakeman, at any point in time, 10 ever stop you from going from the beach and entering 11 the water? 12 A No. 13 Q Okay. So, the only real complaint you 14 have to access against Mr. Blakeman is that you 15 couldn't catch a wave while you guys were both in the 16 water together; is that right? 17 MR. FRANKLIN: Argumentative; misstates prior 18 testimony. 19 THE WITNESS: That, along with feeling 20 uncomfortable about being there. 21 BY MR. WORGUL: 22 Q Okay. So it's just him making you feel 23 uncomfortable about being there and, then, you not 24 getting a wave that he might have been trying to get? 25 MR. FRANKLIN: Argumentative; misstates prior</p> <p style="text-align: right;">Page 263</p>	<p>1 BY MR. WORGUL: 2 Q You don't think it's a competitive 3 sport? 4 A In some arenas, it's competitive. In 5 other arenas, it's recreational. 6 Q Even at a recreational level, do you 7 think it's competitive; that, for example, people 8 compete to get a wave? 9 MR. FRANKLIN: Vague and ambiguous. 10 THE WITNESS: It depends on who you're surfing 11 with. 12 MR. WORGUL: Okay. 13 Q Who determines who gets a wave when 14 there's two people who wants a wave or who want a wave? 15 MR. FRANKLIN: Vague and ambiguous. 16 THE WITNESS: Who determines it? 17 BY MR. WORGUL: 18 Q Yeah. How do we know who gets the wave? 19 Whose wave is it? 20 A There's so many factors. On a -- 21 according to my knowledge, on a competitive arena, 22 where you're in a contest, there is several different 23 ways of determining who gets the wave or who has 24 priority of the wave. I don't think we're talking 25 about that arena here.</p> <p style="text-align: right;">Page 265</p>

<p>1 Q No, we're talking about the recreational 2 arena. 3 A So, if you want to talk about the 4 recreational arena between two civilized people that 5 are not trying to block someone's access -- 6 Q Who determines who is a civilized 7 person? What is that? 8 MR. FRANKLIN: Argumentative. 9 THE WITNESS: Are you going to let me answer 10 the question? 11 MR. FRANKLIN: I'll tell you right now we're 12 going to stop in a minute if you continue, Counsel. 13 So, you can continue and we'll leave, or we'll be done 14 with you. I'll allow the other counsel to proceed, but 15 we're this close to being done with argumentative 16 questions; okay? Do you understand? 17 MR. WORGUL: It's not argumentative. 18 THE WITNESS: It's very -- it seems 19 argumentative. 20 MR. FRANKLIN: I'm telling you so you know this 21 is going to stop, and we're going to leave. 22 MR. WORGUL: Okay. 23 MR. FRANKLIN: Okay? 24 MR. WORGUL: I heard you. Do you want me to 25 ask another question, or do you want to go with what is</p> <p style="text-align: right;">Page 266</p>	<p>1 MR. FRANKLIN: Vague and ambiguous. 2 THE WITNESS: No. 3 BY MR. WORGUL: 4 Q Why not? 5 A Because you could already be sitting at 6 the closest point. 7 Q Okay. But the objective is to get to 8 that closest point; right? 9 MR. FRANKLIN: Vague and ambiguous; lacks 10 foundation. 11 THE WITNESS: It depends on if you want to give 12 your friend a wave or not or the person you don't know, 13 give them a wave or not. 14 BY MR. WORGUL: 15 Q Is there an obligation to give people -- 16 A You just enjoy it. 17 Q Sorry. I don't mean to interrupt you. 18 I thought you were stopping so ... 19 A To just enjoy surfing, you take waves 20 that are given to you because your buddy or a stranger 21 gives them to you because they want to see you enjoy 22 it, or you give them to your buddy or a stranger that 23 you want them to -- I'll often tell somebody, "Hey, if 24 you ever see me going on a wave" -- I did this at 25 Topanga months -- a few months ago. "If you ever see</p> <p style="text-align: right;">Page 268</p>
<p>1 his pending response? 2 MR. FRANKLIN: You can ask a question. 3 MR. WORGUL: Okay. 4 Q What is a -- the civilized surfer you're 5 talking about, describe that for me. 6 MR. FRANKLIN: Vague and ambiguous. 7 THE WITNESS: So, in my arena, what I'm 8 normally used to outside of Lunada, is when you're 9 surfing with people, I'll even ask somebody, "Hey, are 10 you going to go left or right?" And if they say, "I'm 11 going to go left," then I'll go right. If it's very 12 evident that, say, it's only a right-breaking wave, the 13 person closest, such as Lunada, to what you would call, 14 again, parentheses "the curl" with the most critical 15 new part of the wave is, where it's freshly breaking, 16 the person closest to that, in general surfing 17 etiquette in the surfing world -- nothing written down, 18 of course, as we discussed earlier -- it's that 19 person's wave. And that is just the way it is; and for 20 the past 30 years it's -- of my life, it's how it's 21 operated very effective. 22 BY MR. WORGUL: 23 Q Would you agree with me that to be the 24 closest person to the curl, you have to paddle to the 25 closest point?</p> <p style="text-align: right;">Page 267</p>	<p>1 me up and riding and you want to go," because I kind of 2 observed a few people, "you go ahead and go. I'll pull 3 out of your way." That's -- I mean, that's normal in a 4 lot of places. So, is that competitive? I don't think 5 so. 6 Q And that's your perception of what the 7 norm is in amongst people who surf? 8 A That's what I've experienced in other 9 places other than Lunada. 10 Q Okay. 11 Back to the Bay Boys, are there any 12 particular type of clothing that allows to you 13 distinguish a Bay Boy from everyone else? 14 A Not that I'm aware of. 15 Q Is there any sort of gang symbols? 16 A I've heard that there's shirts or 17 sweatshirts, but I -- I have never seen them on 18 anybody, no. 19 Q Tattoos? 20 A I've heard tattoos. 21 Q Okay. 22 Do you know what they look like or what 23 they say? 24 A I do not. 25 Q Are there any other defining</p> <p style="text-align: right;">Page 269</p>

<p>1 characteristics of how you can distinguish a Bay Boy 2 from everyone else? 3 MR. FRANKLIN: Vague and ambiguous. 4 THE WITNESS: The only -- the only way I can 5 describe it as is if you're there, and you're not 6 getting hassled, and you have a surfboard, it seems 7 like those are either Bay Boys, or they're accepted to 8 surf there by the Bay Boys. 9 BY MR. WORGUL: 10 Q Well, how do you know if someone is a 11 Bay Boy versus an accepted person, who is allowed to 12 surf there as a Bay Boy, as opposed to just somebody 13 else who's surfing there? 14 A I only know that if you get harassed and 15 blocked and your stuff vandalized, that you're not a 16 Bay Boy. 17 Q So, if you get blocked from surfing at 18 another beach, is that person a part of the gang? 19 MR. FRANKLIN: Argumentative; incomplete 20 hypothetical. 21 THE WITNESS: Counsel, I've never experienced 22 anywhere the type of blocking that your client did to 23 me anywhere in the world where I've surfed. 24 MR. WORGUL: I'll move to strike as 25 nonresponsive.</p> <p style="text-align: right;">Page 270</p>	<p>1 THE WITNESS: No. 2 BY MR. WORGUL: 3 Q Well, is there anything -- I don't think 4 you've told me anything other than somebody who blocks 5 you while they're surfing at Lunada Bay or happening to 6 be surfing there who you don't know. Is there anything 7 else so that I could determine who is and who isn't a 8 Bay Boy? 9 MR. FRANKLIN: Misstates prior testimony. 10 THE WITNESS: I think I answered that a long 11 time ago with the previous counsel, and that the people 12 that are not getting yelled at and called "kooks" and 13 told to go, "Get the fuck out of there," that would be 14 another determining factor of whether or not they're a 15 Bay Boy or not. 16 BY MR. WORGUL: 17 Q Okay. So, it's based upon the conduct 18 that's occurring in the water that determines whether 19 or not the person is a Bay Boy or not? 20 MR. FRANKLIN: Misstates prior testimony. 21 THE WITNESS: It starts from the street; down 22 the bluff; in the water; on the beach. 23 BY MR. WORGUL: 24 Q So, am I saying it correctly that it's, 25 basically, anyone who can go down there and surf and</p> <p style="text-align: right;">Page 272</p>
<p>1 Can you read back my question? 2 (Whereupon, the record was read back 3 by the court reporter as follows: 4 "Q So, if you get blocked from surfing 5 at another beach, is that person a part of the 6 gang?") 7 THE WITNESS: I think I answered the question. 8 I've never been blocked at any other beach. 9 BY MR. WORGUL: 10 Q Have you ever surfed Surfrider Beach in 11 Malibu? 12 A Several times. 13 Q And you've never been blocked there? 14 A Never. 15 Q With the hundreds of people that surf 16 there? 17 A Thousands of people that surf there. 18 Q Okay. 19 A I get so many waves at Malibu, and I 20 give so many waves at Malibu. It's incredible. 21 Q Okay. 22 Would it be fair to say that the only 23 way you can describe a Bay Boy is by somebody who did 24 something to you that you didn't like? 25 MR. FRANKLIN: Misstates prior testimony.</p> <p style="text-align: right;">Page 271</p>	<p>1 not get hassled, that person is a Bay Boy to you? 2 A Or allowed to surf there by them. 3 Q Well, how do you know who is a Bay Boy 4 versus a person who is just allowed to surf there by 5 them? 6 A I don't. 7 Q Okay. 8 How did you make a distinction amongst 9 the named defendants other than the city and -- 10 Palos Verdes Estates -- that any person was a Bay Boy? 11 MR. FRANKLIN: Objection to the extent it calls 12 for communication with counsel. 13 To extent it was that, I'd instruct you 14 not to answer. 15 THE WITNESS: I refuse to answer the question. 16 BY MR. WORGUL: 17 Q Okay. And that's based on your 18 counsel's instruction; correct? 19 A Correct. 20 Q Are you going to surf this weekend? 21 A Possibly. 22 Q Are you aware that there's a western 23 northwest swell that's going to be coming in? 24 A I am. 25 Q Are you going to go surf Lunada Bay?</p> <p style="text-align: right;">Page 273</p>

<p>1 A No.</p> <p>2 Q Why not?</p> <p>3 A I don't feel comfortable right now.</p> <p>4 Q What is it about right now that you</p> <p>5 don't feel comfortable about?</p> <p>6 A I don't feel the problem has been</p> <p>7 addressed by the police; by the city. I believe that</p> <p>8 there's still Bay Boy members that are going to be</p> <p>9 there, and I don't want to get into any type of</p> <p>10 confrontation.</p> <p>11 Q Okay. And the only thing that's</p> <p>12 different between now and the last time that you went</p> <p>13 there and surfed is that you also have a lawsuit</p> <p>14 against all these people right now as well; correct?</p> <p>15 MR. FRANKLIN: Misstates -- excuse me. Vague</p> <p>16 and ambiguous; lacks foundation.</p> <p>17 THE WITNESS: That's not the only thing</p> <p>18 different.</p> <p>19 BY MR. WORGUL:</p> <p>20 Q What else is different?</p> <p>21 A Time has passed. I don't know what</p> <p>22 their states of mind are. You know, what their</p> <p>23 feelings are, if they're hostile. I don't know. I</p> <p>24 don't want to even deal with any of that. I just want</p> <p>25 to go surf somewhere peaceful, and I don't feel I can</p> <p>Page 274</p>	<p>1 A Just average, in my opinion.</p> <p>2 Q Would you consider yourself an expert?</p> <p>3 A I don't -- I consider the top pros in</p> <p>4 the world experts. I'm not that.</p> <p>5 Q What's the largest wave you've ever</p> <p>6 surfed?</p> <p>7 A Well, over my head; but I don't have a</p> <p>8 measurement. I don't know in feet, but Lunada was</p> <p>9 overhead the day that we were there for me. A lot of</p> <p>10 waves are overhead for me, unfortunately; but</p> <p>11 fortunately.</p> <p>12 Q In your 30 years of surfing, have you</p> <p>13 learned how to measure a wave at all in any way?</p> <p>14 A Not technically. I mean, there's</p> <p>15 Hawaiian measurements. There's face-height</p> <p>16 measurements. There's California measurements.</p> <p>17 Q Do you understand those?</p> <p>18 A An average understanding. Overhead is,</p> <p>19 you know, overhead; and double overhead is double that.</p> <p>20 Q Based on your understanding, what's the</p> <p>21 largest wave you've ever surfed?</p> <p>22 A It wasn't at Lunada, but it's probably a</p> <p>23 good double; double overhead; triple overhead.</p> <p>24 Q You're about five-two; so, that's</p> <p>25 somewhere between 10 and 15 feet on the front face?</p> <p>Page 276</p>
<p>1 do that right now at Lunada.</p> <p>2 Q Do you consider Mr. Taloa to be a</p> <p>3 peaceful person?</p> <p>4 A Every time I've dealt with him, he's</p> <p>5 been peaceful.</p> <p>6 Q Have you ever seen him make aggressive</p> <p>7 actions to anyone at Lunada Bay?</p> <p>8 A I have never seen that from Chris, no.</p> <p>9 Q Are you aware if he's ever communicated</p> <p>10 any sort of violent words to anyone at Lunada Bay?</p> <p>11 A I'm not aware, no.</p> <p>12 Q What's a "kook"?</p> <p>13 A I can't give you a specific definition</p> <p>14 of it.</p> <p>15 Q Do you know what one is?</p> <p>16 A No.</p> <p>17 Q Okay. And why would you be offended by</p> <p>18 the term?</p> <p>19 A It's my understanding it's a derogatory</p> <p>20 term, especially within the surf community, where you</p> <p>21 call somebody a "kook" that doesn't either surf well or</p> <p>22 doesn't belong there or that you just don't like, but I</p> <p>23 don't know the specific definition. I don't know if</p> <p>24 there is a definition for that.</p> <p>25 Q Do you surf well?</p> <p>Page 275</p>	<p>1 A No. In general terms of the word</p> <p>2 meaning "overhead"; so, I think -- I think they're</p> <p>3 basing that on an average male height, and I don't</p> <p>4 think five-two meets that.</p> <p>5 Q Well, I always think of overhead as</p> <p>6 somewhere around six feet, and double overhead as</p> <p>7 somewhere around 10, 12; and triple being somewhere in</p> <p>8 the 15 to 20-foot range. Is that similar for you?</p> <p>9 A Yeah. That's -- that sounds pretty</p> <p>10 close.</p> <p>11 Q Okay. So, the largest waves that you</p> <p>12 surfed are maybe 10 to 12 feet?</p> <p>13 A Again, probably on face height,</p> <p>14 El Segundo jetty, you know, is the fish 12-inches or,</p> <p>15 you know, two feet. I don't know. If I were to</p> <p>16 estimate, probably triple overhead.</p> <p>17 Q Okay. And you do that at the El Segundo</p> <p>18 jetty?</p> <p>19 A Yes.</p> <p>20 MR. FRANKLIN: Misstates prior testimony.</p> <p>21 BY MR. WORGUL:</p> <p>22 Q That's a big wave spot, isn't it?</p> <p>23 A It can be.</p> <p>24 Q Just to the north of that is Hammerland?</p> <p>25 A Just to the north of the jetty?</p> <p>Page 277</p>

<p>1 Q Yes.</p> <p>2 A That's correct.</p> <p>3 Q The other side, I think, is sometimes</p> <p>4 called "Secret Spot"? Some people call it other</p> <p>5 things. They call it the "jetty"?</p> <p>6 A I don't know. I just call it the south</p> <p>7 side of the jetty.</p> <p>8 Q You surf both spots?</p> <p>9 A I haven't surfed Hammerland, no.</p> <p>10 Q Why not?</p> <p>11 A I don't want to go left on a big wave.</p> <p>12 Q Have you surfed the Redondo Breakwall?</p> <p>13 A I have not.</p> <p>14 Q Do you consider that a premiere big wave</p> <p>15 spot in Southern California?</p> <p>16 A I don't know about premiere but it's --</p> <p>17 it gets big there.</p> <p>18 Q How about Black's Beach? Do you</p> <p>19 consider that a premiere big wave spot?</p> <p>20 A San Diego County; correct? I've seen</p> <p>21 pictures, but I've never surfed there.</p> <p>22 Q Do you consider yourself a big wave</p> <p>23 surfer?</p> <p>24 A I just consider myself a surfer. I'll</p> <p>25 surf whatever you want to give me or whatever God gives</p> <p style="text-align: right;">Page 278</p>	<p>1 the DA.</p> <p>2 Q Okay.</p> <p>3 How would you know that unless you did</p> <p>4 it?</p> <p>5 A I wouldn't.</p> <p>6 Q But would I be correct in saying that</p> <p>7 you consciously knew you had the option to do it if you</p> <p>8 desired to do it whenever you were present at</p> <p>9 Lunada Bay, and there was other law enforcement</p> <p>10 present?</p> <p>11 A Yes.</p> <p>12 Q And you chose not to; correct?</p> <p>13 A Well, I have that discretion. I chose</p> <p>14 not to.</p> <p>15 Q You said there's a channel at</p> <p>16 Lunada Bay. Where's the channel?</p> <p>17 A Well, a channel is a moving thing with</p> <p>18 tide and positioning of the wave, depending on the</p> <p>19 conditions; so, a "channel," again, in parenthesis --</p> <p>20 sorry -- to describe a channel, is a place where the</p> <p>21 wave is not breaking at a critical point, where you</p> <p>22 would paddle out to and into the channel to get back</p> <p>23 out to what's called the "lineup," where you sit and</p> <p>24 wait for the waves.</p> <p>25 Q Do you know where the channel is at</p> <p style="text-align: right;">Page 280</p>
<p>1 me.</p> <p>2 Q Have you ever advised someone on how to</p> <p>3 do a citizen's arrest?</p> <p>4 A On how to do it?</p> <p>5 Q Yes.</p> <p>6 A Typically, what I advise somebody is</p> <p>7 when they state they want to make one or, say, a</p> <p>8 misdemeanor has been committed not in my presence, I</p> <p>9 just -- the phone. I didn't know if that was something</p> <p>10 coming up.</p> <p>11 I'll advise them that they can make the</p> <p>12 citizen's arrest. I will facilitate the arrest; take</p> <p>13 that person into custody for them; either issue them a</p> <p>14 citation, where it's warranted, or take the person to</p> <p>15 jail if it's warranted.</p> <p>16 Q So, you have an understanding of how</p> <p>17 that process works?</p> <p>18 A I -- I've done it several times; so, I</p> <p>19 think so.</p> <p>20 Q Is there any reason that at any point in</p> <p>21 time that you've had some sort of problem at</p> <p>22 Lunada Bay, you have not effected a citizen's arrest?</p> <p>23 A Yes.</p> <p>24 Q What's the reason?</p> <p>25 A I didn't think it would go anywhere with</p> <p style="text-align: right;">Page 279</p>	<p>1 Lunada Bay?</p> <p>2 MR. FRANKLIN: Asked and answered.</p> <p>3 MR. WORGUL: He explained what a channel is.</p> <p>4 He didn't tell me whether he knew where it was or not.</p> <p>5 THE WITNESS: Towards the middle of the bay.</p> <p>6 BY MR. WORGUL:</p> <p>7 Q Can you more discreetly describe where</p> <p>8 it is?</p> <p>9 A No.</p> <p>10 Q Okay. And when you say, "the middle,"</p> <p>11 is that from the southern point to the northern point?</p> <p>12 A It could go southern point to the</p> <p>13 northern point or northern point to the southern point.</p> <p>14 Either point is in the middle.</p> <p>15 Q Okay.</p> <p>16 When you were -- when you were skegged,</p> <p>17 when you got your wrist cut, did Mr. Blakeman do that?</p> <p>18 A No.</p> <p>19 Q Do you know who did that?</p> <p>20 A I don't know who did it.</p> <p>21 Q Do you know if it was any named</p> <p>22 defendant?</p> <p>23 A I don't know.</p> <p>24 Q Do you believe that Mr. Blakeman was</p> <p>25 responsible for that at all?</p> <p style="text-align: right;">Page 281</p>

<p>1 MR. FRANKLIN: Vague and ambiguous.</p> <p>2 THE WITNESS: I don't know. I don't know if he</p> <p>3 talked to whoever did it beforehand, and they</p> <p>4 coordinated it.</p> <p>5 BY MR. WORGUL:</p> <p>6 Q Do you believe --</p> <p>7 A I don't know.</p> <p>8 Q Do you believe that any other named</p> <p>9 defendant was responsible for it?</p> <p>10 A I have no idea.</p> <p>11 MR. FRANKLIN: Vague and ambiguous.</p> <p>12 BY MR. WORGUL:</p> <p>13 Q Do you have any reason to believe</p> <p>14 Mr. Blakeman was responsible for it?</p> <p>15 A I have every reason to believe he could</p> <p>16 have been responsible for it. In some way, he's</p> <p>17 identified as a Bay Boy. They communicate. They</p> <p>18 intimidate. He could have been. I don't know.</p> <p>19 Q Who's identified Mr. Blakeman as a</p> <p>20 Bay Boy?</p> <p>21 A It's just -- it's just well-known in the</p> <p>22 community that he is one of them.</p> <p>23 Q As you sit here today, can you tell me</p> <p>24 the name of any person who's --</p> <p>25 A I cannot.</p> <p>Page 282</p>	<p>1 BY MR. WORGUL:</p> <p>2 Q Aside from that?</p> <p>3 A Aside from -- aside from what's already</p> <p>4 on record, no.</p> <p>5 Q Okay.</p> <p>6 Are you aware of Mr. Blakeman ever</p> <p>7 committing any criminal act?</p> <p>8 MR. FRANKLIN: Calls for legal conclusion.</p> <p>9 THE WITNESS: Again, I -- I'd have to see if I</p> <p>10 could articulate that as what we described earlier as</p> <p>11 false imprisonment. I don't know.</p> <p>12 BY MR. WORGUL:</p> <p>13 Q Are you aware of Mr. Blakeman ever being</p> <p>14 arrested for a criminal act?</p> <p>15 A I am not.</p> <p>16 Q Are you aware of Mr. Blakeman ever being</p> <p>17 convicted of a criminal act?</p> <p>18 A I am not.</p> <p>19 Q Have you ever seen Mr. Blakeman hit</p> <p>20 anyone?</p> <p>21 A I have not.</p> <p>22 Q Have you ever seen Mr. Blakeman</p> <p>23 vandalize a car?</p> <p>24 A I have not.</p> <p>25 Q Have you ever seen Mr. Blakeman throw a</p> <p>Page 284</p>
<p>1 Q -- identified Mr. Blakeman as a Bay Boy?</p> <p>2 A No.</p> <p>3 Q As you sit here today, can you tell me</p> <p>4 the name of any person who's identified any named</p> <p>5 defendants as a Bay Boy?</p> <p>6 A Any named defendant as a Bay Boy? Well,</p> <p>7 Chris knows them all -- well, not knows them all; but</p> <p>8 knows a lot of the names, yes.</p> <p>9 Q Other than Chris Taloa, is there any</p> <p>10 other person?</p> <p>11 A Kenny, maybe.</p> <p>12 Q Other than Chris Taloa and Kenny, is</p> <p>13 there any other person?</p> <p>14 A Not that I know.</p> <p>15 Q I believe you mentioned that there was</p> <p>16 some sort of shirts or clothing you associated with the</p> <p>17 Bay Boys. Have you ever seen Mr. Blakeman wear any</p> <p>18 clothing that you associate with the Bay Boys?</p> <p>19 A No.</p> <p>20 Q Other than Mr. Blakeman's presence at</p> <p>21 Lunada Bay, has he done anything that makes you believe</p> <p>22 he's associated with the Bay Boys?</p> <p>23 MR. FRANKLIN: Asked and answered.</p> <p>24 THE WITNESS: Well, aside from what I described</p> <p>25 earlier.</p> <p>Page 283</p>	<p>1 rock at someone?</p> <p>2 A No, I have not.</p> <p>3 Q Have you ever seen Mr. Blakeman impede</p> <p>4 boat traffic at Lunada Bay?</p> <p>5 A No boats.</p> <p>6 Q Have you ever seen Mr. Blakeman use a</p> <p>7 phone at Lunada Bay?</p> <p>8 A I believe I have.</p> <p>9 Q What sort of phone?</p> <p>10 A I don't recall. I think I have seen him</p> <p>11 on the phone.</p> <p>12 Q Can you describe it in any way? Was it</p> <p>13 like a Smartphone, like an iPhone, a flip phone?</p> <p>14 A I don't recall.</p> <p>15 Q Do you have any knowledge of</p> <p>16 Mr. Blakeman being involved with the rock fort or the</p> <p>17 patio other than potentially being there on the day</p> <p>18 that you said he was at the beach?</p> <p>19 A No, not other than that.</p> <p>20 Q Okay.</p> <p>21 Are you aware of Mr. Blakeman ever</p> <p>22 injuring anyone at or near Lunada Bay?</p> <p>23 MR. FRANKLIN: Vague and ambiguous.</p> <p>24 THE WITNESS: I cannot recall if he was one of</p> <p>25 those that was present for exposing himself to my</p> <p>Page 285</p>

<p>1 co-plaintiff. I'm not sure if he was there or not, but 2 I seem to remember that he might have exposed himself, 3 and that would be some -- if I were a female I think I 4 would have some mental anguish about that. 5 BY MR. WORGUL: 6 Q Other than what you told me, do you know 7 anything else about Mr. Blakeman potentially exposing 8 himself to someone at Lunada Bay? 9 A No. 10 Q You get in and out of a wetsuit when you 11 surf, right, you yourself? 12 A Yes. 13 Q On occasion, do your private parts 14 sometimes get exposed? 15 MR. FRANKLIN: Vague and ambiguous. 16 THE WITNESS: I cannot remember exposing at any 17 point to anybody my private parts while I was changing 18 in a wetsuit -- in and out of a wetsuit, no. 19 BY MR. WORGUL: 20 Q Okay. Just in the past 30 years that 21 you've been surfing, have you ever seen, like, somebody 22 else who's surfing who's getting in or out of their 23 wetsuit inadvertently expose themselves to other 24 people? 25 A Not that I can recall.</p> <p style="text-align: right;">Page 286</p>	<p>1 nice path down there with parking. I'd like to see 2 bathrooms, signs, and a good amount of police presence 3 to ensure that people feel safe to go there. 4 Q Anything else? 5 A At this time, that about sums it up. I 6 can maybe think of a few other things but ... 7 Q If you could have all of those things, 8 would you still be fine with Mr. Blakeman surfing 9 there? 10 A If he were not to do the same things 11 that he's done in the past and be friendly and 12 welcoming and inviting, you know, maybe -- maybe after 13 a while, it would be nice to surf with anybody who 14 wants to surf there peacefully. 15 Q Is it -- is that one of the other things 16 that you want? You want Mr. Blakeman to be friendly 17 and inviting to you? 18 A I just want people to be civil. 19 Q I guess what my question, though, is do 20 you want Mr. Blakeman to be friendly and inviting to 21 you? Is that something that you want? 22 A I don't need him to be my buddy, but I 23 don't need to have cameras stuck in my face; be circled 24 around in the water; him or anybody else exposing 25 themselves to females that want to go down there and</p> <p style="text-align: right;">Page 288</p>
<p>1 Q So you've never seen somebody -- 2 A I've seen towels, and I've seen the 3 hoodie towels, but I've never seen anybody's genitals 4 changing in 30 years. Maybe I haven't looked. 5 Q How about their butt crack? I don't 6 know who was looking at these times, but I'm just 7 curious whether or not that's something you've seen? 8 A Yeah, I don't know. 9 MR. FRANKLIN: Do you have a time estimate? 10 MR. WORGUL: I'm almost done. 11 MR. FRANKLIN: How much of our total record 12 time right now. 13 THE REPORTER: Five hours thirty-nine minutes. 14 BY MR. WORGUL: 15 Q I think you said earlier that you wanted 16 to have the ability to enjoy Lunada Bay. What do you 17 need to enjoy Lunada Bay? 18 A I need what I feel I've experienced at 19 other places, and that is nobody making you feel unsafe 20 while you go there; not running you over on purpose; 21 not immediately, once you get out of your car, trying 22 to verbally harass and intimidate you from going down 23 into the water. I need people not to purposely prevent 24 me from catching waves by doing childish circles around 25 me. And, as I mentioned earlier, I'd like to see a</p> <p style="text-align: right;">Page 287</p>	<p>1 enjoy the beach. I don't need him to coordinate with 2 his buddies from keeping people going down to the 3 beach, even to get to the water. Yeah, I don't want 4 him to do all that. 5 Q I believe you said the one time you 6 interacted with Mr. Blakeman was on January 29th of 7 2016, and there was two other times. I just want to 8 check real quick. Can you tell me when the other two 9 times were that you interacted with him? 10 A Describe -- I guess clarify 11 "interaction" for me. 12 Q Well, you said there was three times 13 that you actually saw him -- 14 A Okay. Saw him. 15 Q -- outside of a video or anything else, 16 and one was the 29th of January of 2016? 17 A Yes, and I don't know the other two 18 specific dates. I don't -- I couldn't tell you. 19 Q Were they after that time or before that 20 time? 21 A After the January time. 22 Q Okay. And were they -- can you tell me 23 where they were? Was it on the bluff? Was it in 24 the -- 25 A On the bluff.</p> <p style="text-align: right;">Page 289</p>

<p>1 Q Okay. So it wasn't --</p> <p>2 A The other two times were on the bluff</p> <p>3 not in the water.</p> <p>4 Q Not in the water, and was Mr. Blakeman</p> <p>5 in a wetsuit? Was he in normal clothes?</p> <p>6 A The other two times?</p> <p>7 Q Yes.</p> <p>8 A Normal clothing.</p> <p>9 Q And did you actually speak with</p> <p>10 Mr. Blakeman at all?</p> <p>11 A Never spoke with him.</p> <p>12 Q You never said any words to him;</p> <p>13 correct?</p> <p>14 A Correct.</p> <p>15 Q And he never said any words to you?</p> <p>16 A Correct.</p> <p>17 Q And Mr. Blakeman never touched you</p> <p>18 either of those times; correct?</p> <p>19 A Correct.</p> <p>20 Q Okay.</p> <p>21 Would you agree with me that -- strike</p> <p>22 that.</p> <p>23 Do you know why you're alleging that</p> <p>24 Mr. Blakeman battered you?</p> <p>25 A That he battered me?</p> <p style="text-align: right;">Page 290</p>	<p>1 the class action and the class itself; so, in regards</p> <p>2 to me, Mr. Blakeman never battered myself physically,</p> <p>3 my person.</p> <p>4 BY MR. WORGUL:</p> <p>5 Q And do you understand that when you made</p> <p>6 this allegation, when this complaint was filed, that</p> <p>7 you were alleging that he battered you?</p> <p>8 MR. FRANKLIN: Misstates this complaint.</p> <p>9 THE WITNESS: That's not accurate in my</p> <p>10 understanding of the complaint. That's not an accurate</p> <p>11 statement.</p> <p>12 BY MR. WORGUL:</p> <p>13 Q Okay. And do you know if the complaint,</p> <p>14 though, actually says that, that this says that you</p> <p>15 were battered by Mr. Blakeman?</p> <p>16 MR. FRANKLIN: The document speaks for itself;</p> <p>17 argumentative.</p> <p>18 THE WITNESS: I can only testify as to my</p> <p>19 understanding of this complaint, and I don't understand</p> <p>20 the complaint to describe that.</p> <p>21 BY MR. WORGUL:</p> <p>22 Q Okay. So, even though you're a class</p> <p>23 representative or want to be a class representative,</p> <p>24 you don't exactly understand what's in the complaint?</p> <p>25 MR. FRANKLIN: Argumentative; calls for a legal</p> <p style="text-align: right;">Page 292</p>
<p>1 Q That's an allegation in your complaint.</p> <p>2 Do you know why you're alleging that?</p> <p>3 A I don't recall where that's at.</p> <p>4 Q Okay.</p> <p>5 Could you look at your -- at the</p> <p>6 complaint. It's -- I want to say it's the sixth or the</p> <p>7 seventh cause of action. It's towards the end.</p> <p>8 A So, give me a page and a line number.</p> <p>9 Q Page 38, and the heading starts on</p> <p>10 line 25.</p> <p>11 A The only thing I see is "SEVENTH CAUSE</p> <p>12 OF ACTION." Am I in the wrong place?</p> <p>13 Q Do you see at line 26 where it says the</p> <p>14 (Battery - LUNADA BAY BOYS and the Individual</p> <p>15 Defendants)?"</p> <p>16 A Oh, I see what you're getting at. So,</p> <p>17 in regards to myself. You want me to take a minute?</p> <p>18 Where should I read from and to?</p> <p>19 Q Well, do you have any understanding why</p> <p>20 you're alleging that Mr. Blakeman battered you?</p> <p>21 A So, I can --</p> <p>22 MR. FRANKLIN: Why don't you read the seventh</p> <p>23 cause of action to answer the question.</p> <p>24 THE WITNESS: Okay. So, I could only testify</p> <p>25 as to myself. As you know, there's other members in</p> <p style="text-align: right;">Page 291</p>	<p>1 conclusion.</p> <p>2 THE WITNESS: So, as a class representative, as</p> <p>3 a plaintiff, I'm definitely not an expert in all things</p> <p>4 legal. I don't understand this complaint to accurately</p> <p>5 reflect your statement.</p> <p>6 BY MR. WORGUL:</p> <p>7 Q Other than Mr. -- did you consider</p> <p>8 Mr. Blakeman circling you in the water to be an</p> <p>9 assault?</p> <p>10 A I consider it impeding and blocking my</p> <p>11 movement.</p> <p>12 Q Did you consider it to be an assault?</p> <p>13 A No.</p> <p>14 Q Okay.</p> <p>15 Do you know why you're alleging a cause</p> <p>16 of action against Mr. Blakeman for assault?</p> <p>17 A Again --</p> <p>18 MR. FRANKLIN: Misstates the complaint.</p> <p>19 THE WITNESS: -- going back to the complaint --</p> <p>20 MR. FRANKLIN: The document speaks for itself.</p> <p>21 BY MR. WORGUL:</p> <p>22 Q And I'm not asking what the document</p> <p>23 says. I'm just asking do you know why you're alleging</p> <p>24 assault against Mr. Blakeman?</p> <p>25 A Going back to the complaint, it speaks</p> <p style="text-align: right;">Page 293</p>

<p>1 for itself. That's all I'm going to answer. 2 Q So, the only reason that you're alleging 3 assault against Mr. Blakeman is because it's written in 4 the complaint; is that correct? 5 MR. FRANKLIN: Argumentative; misstates his 6 testimony. 7 THE WITNESS: Yes. 8 MR. WORGUL: Okay. 9 Q Do you know why you're alleging 10 negligence against Mr. Blakeman? 11 A Again, going back to the complaint and 12 to the body of the class, I can only testify what 13 happened personally to me. 14 Q You're aware that -- I'm sorry. 15 A Other -- okay. Other members within the 16 complaint can testify to what happened to them. I 17 cannot. 18 Q Do you know what the Bane Act is? 19 A I do not. I -- I know of it. I don't 20 know all the details of it. I know it has to do with 21 some type of civil gang injunction. 22 Q Are you aware of any act that 23 Mr. Blakeman has done to you that gives rise to a 24 violation of the Bane Act? 25 MR. FRANKLIN: Calls for expert testimony; Page 294</p>	<p>1 testimony. 2 THE WITNESS: I think we went over that. I 3 didn't know any of -- or couldn't testify to any of 4 those points you made. 5 BY MR. WORGUL: 6 Q I think you said earlier that it's your 7 God-given right to be able to use the coast. Do you 8 remember saying that? 9 A That's my belief. 10 Q Is it your God-given right to get waves 11 at Lunada Bay? 12 MR. FRANKLIN: Objection: argumentative. 13 THE WITNESS: It would be nice to get some 14 peacefully. 15 BY MR. WORGUL: 16 Q But is it your "God-given right" as you 17 used that term? 18 MR. FRANKLIN: Objection: argumentative; vague 19 and ambiguous. 20 THE WITNESS: I believe it is. 21 BY MR. WORGUL: 22 Q Is that anyone else's right to be able 23 to do that? 24 A I believe so. 25 Q Has -- do you believe that your safety Page 296</p>
<p>1 also, calls for a legal conclusion. 2 THE WITNESS: The only thing that I can testify 3 to that is through investigation that counsel has done, 4 including him within this class, would qualify him for 5 the Bane Act. 6 BY MR. WORGUL: 7 Q That's the full extent -- 8 A On advice of my counsel. That's the 9 full extent that I know; correct. 10 Q Okay. 11 You understand what the Predicate Acts 12 are for the enhanced -- the gang enhancement in the 13 Penal Code; correct? 14 A No. 15 Q Do you remember when I asked you all 16 those questions about whether this crime was committed 17 at Lunada Bay? 18 A I do. 19 Q I was reading from the statute in asking 20 you if those things happened. Are you aware of 21 Mr. Blakeman committing any sort of felonious act that 22 would give rise to some sort of gang enhancement under 23 that statute? 24 MR. FRANKLIN: Calls for a legal -- objection. 25 Calls for a legal conclusion; calls for an expert Page 295</p>	<p>1 has ever been threatened since the time that you last 2 interacted with Mr. Blakeman? 3 MR. FRANKLIN: Vague and ambiguous. 4 THE WITNESS: Very vague and ambiguous. My 5 safety is jeopardized on a daily basis. 6 MR. WORGUL: I'll ask a better question. 7 You're right. You're a police officer. 8 Q Do you believe that your safety has ever 9 been threatened because of Brant Blakeman since the 10 last time you interacted with him? 11 A Got it. 12 MR. FRANKLIN: Vague and ambiguous. 13 THE WITNESS: I don't -- again, I have to 14 answer very general because it could be. I don't know 15 -- I don't know if they're plotting anything. I don't 16 know -- I'm not aware of any of their actions after 17 that day; so, do I look over my shoulder at times? I 18 do -- a lot. But that's it. I can't tell you whether 19 or not they're planning anything. Do they plot 20 anything? I don't know. 21 BY MR. WORGUL: 22 Q Do you have any reason to believe that 23 Brant Blakeman ever circulated a photograph of you to 24 any other person? 25 A I have no knowledge of that. Page 297</p>

<p>1 Q Do you have any reason to believe that</p> <p>2 Brant Blakeman circulated a video of you to any other</p> <p>3 person?</p> <p>4 MR. FRANKLIN: Vague and ambiguous.</p> <p>5 THE WITNESS: I have no knowledge.</p> <p>6 BY MR. WORGUL:</p> <p>7 Q In your supplemental disclosures at</p> <p>8 Witness No. 60 was, I think, Kenny --</p> <p>9 MS. HEWITT: Claypool.</p> <p>10 BY MR. WORGUL:</p> <p>11 Q -- Kenny Claypool, and part of your</p> <p>12 supplemental disclosures indicate that he will testify</p> <p>13 about several incidents of harassment at Lunada Bay</p> <p>14 involving individuals such as Brant Blakeman.</p> <p>15 Are you aware of anything that</p> <p>16 Mr. Blakeman's done that constitutes harassment that</p> <p>17 Mr. Claypool has knowledge of?</p> <p>18 MR. FRANKLIN: Lacks foundation.</p> <p>19 THE WITNESS: I can only testify to what's</p> <p>20 happened to me; so, I don't know.</p> <p>21 BY MR. WORGUL:</p> <p>22 Q Exhibit 34 are your supplemental</p> <p>23 disclosures; correct?</p> <p>24 MR. FRANKLIN: Misstates the document.</p> <p>25 ////</p> <p>Page 298</p>	<p>1 so ...</p> <p>2 THE WITNESS: Yes.</p> <p>3 BY MR. WORGUL:</p> <p>4 Q Okay. So are these your supplemental</p> <p>5 disclosures?</p> <p>6 A They're mine. They're Milena Reed's.</p> <p>7 They're Coastal Protection Rangers, and they're the</p> <p>8 class as a group.</p> <p>9 Q Do you have any knowledge why the</p> <p>10 District Attorney is not a defendant in this case?</p> <p>11 A No.</p> <p>12 Q You believed that the District Attorney</p> <p>13 wouldn't prosecute these crimes that you believe</p> <p>14 occurred; correct?</p> <p>15 A That's -- that was my belief.</p> <p>16 Q And your experience as a police officer,</p> <p>17 it is typically the District Attorney's responsibility</p> <p>18 to prosecute crimes within the County of Los Angeles;</p> <p>19 correct?</p> <p>20 A Correct.</p> <p>21 Q You testified earlier that the surfing</p> <p>22 accident that happened, that the person who --</p> <p>23 MR. FRANKLIN: Misstates prior testimony.</p> <p>24 BY MR. WORGUL:</p> <p>25 Q The person who allegedly ran you over,</p> <p>Page 300</p>
<p>1 BY MR. WORGUL:</p> <p>2 Q Could you answer my question, please?</p> <p>3 A Are these mine?</p> <p>4 Q Yes.</p> <p>5 A Did I produce them?</p> <p>6 Q Well, they're your supplemental</p> <p>7 disclosures as a party in this action, aren't they?</p> <p>8 MR. FRANKLIN: Misstates the document;</p> <p>9 argumentative. It says, "PLAINTIFFS' SUPPLEMENTAL</p> <p>10 DISCLOSURES." Counsel, if you want to point somewhere</p> <p>11 where it specifically says, "Officer Cory Spencer's</p> <p>12 Supplemental Disclosures," please do so.</p> <p>13 BY MR. WORGUL:</p> <p>14 Q At page 2, line 15, let me know if I</p> <p>15 read it correctly, "Plaintiffs CORY SPENCER"</p> <p>16 Cory Spencer is you; correct?</p> <p>17 A Correct.</p> <p>18 Q So, (as read):</p> <p>19 "Plaintiffs CORY SPENCER,</p> <p>20 DIANA MILENA REED, and COASTAL PROTECTION</p> <p>21 RANGERS ... make the following supplemental</p> <p>22 initial disclosures pursuant to the</p> <p>23 Federal Rules of Civil Procedure 26(a)(1)."</p> <p>24 Did I read that correctly?</p> <p>25 MR. FRANKLIN: He also has counsel on this</p> <p>Page 299</p>	<p>1 that's the event I just want to go back to for a few</p> <p>2 questions, and I believe you said something along the</p> <p>3 lines -- and correct me if I'm wrong -- that the person</p> <p>4 who ultimately cut you, afterwards said, "I couldn't</p> <p>5 see you," and "You shouldn't be paddling in the</p> <p>6 sunlight," or something along that lines; correct?</p> <p>7 A Correct.</p> <p>8 Q Did you believe that to be that person</p> <p>9 in a way acknowledging that they didn't intentionally</p> <p>10 mean to cut you?</p> <p>11 A I didn't take what he said for that, no.</p> <p>12 I took what he said deflection; and when you know</p> <p>13 somebody committed an intentional act and they tried to</p> <p>14 deflect, you know when they're deflecting, and that's</p> <p>15 what he was doing.</p> <p>16 Q Is there a reason that you believe that</p> <p>17 person would be deflecting, in light of these people</p> <p>18 telling you, "Go home, fucking kook. Don't surf here,"</p> <p>19 the harassment that you've had that, then, somebody out</p> <p>20 in the water, who you believe intentionally hurt you,</p> <p>21 then provides statements that indicate that they didn't</p> <p>22 intentionally hurt you?</p> <p>23 A What's your question?</p> <p>24 MR. FRANKLIN: Asked and answered.</p> <p>25 MS. HEWITT: Could you read back the question,</p> <p>Page 301</p>

<p>1 please?</p> <p>2 (Whereupon, the record was read back</p> <p>3 by the court reporter as follows:</p> <p>4 "Q Is there a reason that you believe</p> <p>5 that person would be deflecting, in light of</p> <p>6 these people telling you, 'Go home, fucking</p> <p>7 kook. Don't surf here,' the harassment that</p> <p>8 you've had that, then, somebody out in the</p> <p>9 water, who you believe intentionally hurt you,</p> <p>10 then provides statements that indicate that</p> <p>11 they didn't intentionally hurt you?")</p> <p>12 MR. FRANKLIN: Objection: compound; vague and</p> <p>13 ambiguous; unintelligible.</p> <p>14 BY MR. WORGUL:</p> <p>15 Q Do you understand my question?</p> <p>16 A I think so.</p> <p>17 Q Could you answer it, please?</p> <p>18 A I think he did that because he didn't</p> <p>19 want me to implicate him in the crime that he just</p> <p>20 committed and wanted to give a reason why he ran me</p> <p>21 over.</p> <p>22 Q And you talked to police officers after</p> <p>23 that crime that you believed happened; correct?</p> <p>24 A Did I talk to them?</p> <p>25 Q Well, you testified you did.</p> <p style="text-align: right;">Page 302</p>	<p>1 A Of course.</p> <p>2 Q Other than the actions that you've told</p> <p>3 me about Mr. Blakeman, which have been him holding up a</p> <p>4 selfie GoPro with a camera and surfing around you in</p> <p>5 the water and blocking you from getting away and, then,</p> <p>6 other people being present on the bluffs at Lunada Bay</p> <p>7 calling people on their phone, is there any other act</p> <p>8 that Mr. Blakeman's done that you believe makes him</p> <p>9 responsible for the damages you're alleging?</p> <p>10 A Just his association with the Bay Boys.</p> <p>11 Q Do you know any -- of any documents that</p> <p>12 exist that associate Mr. Blakeman as a Bay Boy?</p> <p>13 MR. FRANKLIN: Vague and ambiguous.</p> <p>14 THE WITNESS: Any documents?</p> <p>15 MR. WORGUL: Yes.</p> <p>16 MR. FRANKLIN: Vague and ambiguous.</p> <p>17 THE WITNESS: I don't.</p> <p>18 BY MR. WORGUL:</p> <p>19 Q Do you know of any photographs that</p> <p>20 exist that associate Mr. Blakeman as a Bay Boy?</p> <p>21 A Not that I'm aware of.</p> <p>22 Q Do you know of any videos that exist</p> <p>23 that associate Mr. Blakeman as a Bay Boy?</p> <p>24 MR. FRANKLIN: Vague and ambiguous.</p> <p>25 THE WITNESS: I don't know of any videos, no.</p> <p style="text-align: right;">Page 304</p>
<p>1 A Yes.</p> <p>2 Q And you didn't make a citizen's arrest;</p> <p>3 correct?</p> <p>4 A Correct.</p> <p>5 Q And you didn't ask the police officers</p> <p>6 to arrest that person either?</p> <p>7 A That's correct.</p> <p>8 Q Can you tell me the name of every person</p> <p>9 that you believe is a victim of the Lunada Bay Boys?</p> <p>10 A No.</p> <p>11 MR. FRANKLIN: Vague and ambiguous.</p> <p>12 MR. WORGUL: Okay.</p> <p>13 Q Do you believe Blake -- or</p> <p>14 Brant Blakeman is responsible for your pain and</p> <p>15 suffering that you're alleging in this lawsuit?</p> <p>16 A I believe he's part of it.</p> <p>17 Q Do you believe that he's responsible for</p> <p>18 your lost sleep?</p> <p>19 A As I stated earlier, I believe he's part</p> <p>20 of it.</p> <p>21 Q Do you believe he's responsible for your</p> <p>22 emotional distress?</p> <p>23 A Yes, he's part of it.</p> <p>24 Q Do you believe he's responsible for your</p> <p>25 mental anguish?</p> <p style="text-align: right;">Page 303</p>	<p>1 MR. WORGUL: Okay.</p> <p>2 MS. LUTZ: Can we take a break for a second?</p> <p>3 Just like two minutes.</p> <p>4 MS. HEWITT: Is that okay with you,</p> <p>5 Mr. Spencer?</p> <p>6 THE WITNESS: Yes.</p> <p>7 (A recess was taken at 5:30 p.m.</p> <p>8 until 5:39 p.m.)</p> <p>9 (Whereupon, Mark C. Fields, Esq.,</p> <p>10 left the proceedings.)</p> <p>11</p> <p>12 FURTHER EXAMINATION</p> <p>13 BY MS. HEWITT:</p> <p>14 Q All right. Counsel has kindly allowed</p> <p>15 me to ask one question I forgot to ask earlier.</p> <p>16 A Okay.</p> <p>17 Q With regard to he asked you what a</p> <p>18 "kook" meant, and I think you said something about not</p> <p>19 being from around the area or such. Did you -- were</p> <p>20 you ever asked by anybody at the City of Palos Verdes</p> <p>21 Police Department where you lived whenever you talked</p> <p>22 to them about anything about Lunada Bay?</p> <p>23 A Not that I recall.</p> <p>24 Q Okay. Thank you.</p> <p>25 MR. WORGUL: I'll want to attach it.</p> <p style="text-align: right;">Page 305</p>

<p>1 FURTHER EXAMINATION</p> <p>2 BY MR. WORGUL:</p> <p>3 Q John Worgul on behalf of Mr. Blakeman.</p> <p>4 I said I had no more questions and I apologize.</p> <p>5 That was the picture I took earlier, and does that show</p> <p>6 the location where you were pointing to where your scar</p> <p>7 is?</p> <p>8 A Is that -- let me make sure that's my</p> <p>9 hand. It looks bigger. It looks accurate.</p> <p>10 MR. WORGUL: What was the last exhibit number</p> <p>11 that we had?</p> <p>12 THE REPORTER: This will be 43.</p> <p>13 MR. WORGUL: Forty-three? Okay. We'll attach</p> <p>14 the picture as 43 to the transcript.</p> <p>15 (Defendants' Exhibit 43 was marked for</p> <p>16 identification by the Certified Shorthand Reporter</p> <p>17 and is enclosed herewith.)</p> <p>18</p> <p>19 EXAMINATION</p> <p>20 BY MS. LUTZ:</p> <p>21 Q Mr. Spencer, my name is Tera Lutz. I</p> <p>22 represent defendant Sang Lee. I appreciate your time.</p> <p>23 I have a couple more questions for you.</p> <p>24 Have you ever sought medical treatment</p> <p>25 for the injury on your wrist?</p> <p style="text-align: right;">Page 306</p>	<p>1 Q Why do you say, "possibly"?</p> <p>2 A It's been a while.</p> <p>3 Q You mentioned earlier this morning that</p> <p>4 at the time you didn't know that the individual you now</p> <p>5 know to be Sang Lee was Sang Lee; is that correct?</p> <p>6 A That's correct.</p> <p>7 Q At what point did you become aware that</p> <p>8 that was Sang Lee?</p> <p>9 A After I talked to Chris after he got</p> <p>10 done talking with Sang.</p> <p>11 Q Have you ever spoken with Sang Lee?</p> <p>12 A No, we did not speak.</p> <p>13 Q Has Sang Lee ever threatened you?</p> <p>14 A Again, I don't know.</p> <p>15 Q Why do you say, "I don't know"?</p> <p>16 A Well, it seems to be a coordinated</p> <p>17 effort up there between members of the Bay Boys; and if</p> <p>18 they coordinate and one gets assaulted, such as I have</p> <p>19 -- going back, and I like to clarify something too. If</p> <p>20 there's a coordinated effort, such as I believe goes on</p> <p>21 there, with cell phones, others in the past have</p> <p>22 reported walkie-talkies. I already stated on the</p> <p>23 record I didn't see the walkie-talkies. Others have</p> <p>24 reported that. When there's a concerted effort in that</p> <p>25 regards, when I was assaulted and battered in the</p> <p style="text-align: right;">Page 308</p>
<p>1 A I just -- professional medical</p> <p>2 treatment?</p> <p>3 Q Correct.</p> <p>4 A No.</p> <p>5 Q None after the incident?</p> <p>6 A No.</p> <p>7 Q Can you describe to me Sang Lee, his</p> <p>8 physical characteristics?</p> <p>9 A Male; Asian; dark hair; kind of a raspy</p> <p>10 voice.</p> <p>11 Q How many times have you seen Sang Lee?</p> <p>12 A In person?</p> <p>13 Q In person.</p> <p>14 A I believe just -- just the once.</p> <p>15 Q And you're referencing the February</p> <p>16 incident?</p> <p>17 A That would be the January incident.</p> <p>18 Q January 29th?</p> <p>19 A Correct.</p> <p>20 Q And was that the first time you saw</p> <p>21 Sang Lee?</p> <p>22 A Yes.</p> <p>23 Q Would you be able to identify Mr. Lee if</p> <p>24 you saw him here today?</p> <p>25 A Possibly.</p> <p style="text-align: right;">Page 307</p>	<p>1 water, if they were talking to each other, that's an</p> <p>2 assault and battery charge on all of them, as far as</p> <p>3 I'm concerned.</p> <p>4 Q Has Sang Lee ever physically made</p> <p>5 physical contact with you?</p> <p>6 A With me? Physically? With his body to</p> <p>7 my body?</p> <p>8 Q Yes, his body to your body.</p> <p>9 A No.</p> <p>10 Q Has he ever threatened -- strike that.</p> <p>11 Going to the January 29th, 2016</p> <p>12 incident, when was it that Mr. Lee approached</p> <p>13 Chris Taloa?</p> <p>14 A Are you looking for a specific hour?</p> <p>15 Because I don't remember the hour, but it was after we</p> <p>16 got out of the water.</p> <p>17 Q How long after?</p> <p>18 A I can't give you a specific minutes or</p> <p>19 numbers, but we were out of the water and not surfing;</p> <p>20 so, from the time it takes you to walk up from the</p> <p>21 water to the time you get to your car, it was within,</p> <p>22 you know, within a half an hour, an hour.</p> <p>23 Q Was it near your car?</p> <p>24 A It was right at, like, the rear of</p> <p>25 Chris' car -- Chris Taloa's car.</p> <p style="text-align: right;">Page 309</p>

<p>1 Q Did Sang approach Chris Taloa?</p> <p>2 A Yes.</p> <p>3 Q What did he say?</p> <p>4 A Well, it was a conversation. I don't</p> <p>5 recall all the details of the conversation, but it</p> <p>6 went, you know, to the tune of, basically, why they --</p> <p>7 why they do what they do and general conversation of</p> <p>8 it's always going to be this way. We're -- you know,</p> <p>9 there's always going to be, you know, basically, the</p> <p>10 stronghold that they -- the Bay Boys have. He was</p> <p>11 bringing up the incident where Chris' family member --</p> <p>12 I already put this on record earlier; so, his family</p> <p>13 member that was assaulted, and it just seemed like</p> <p>14 Chris was wanting to not continue the conversation, and</p> <p>15 "We'll talk later," he was telling Sang; and he just</p> <p>16 kept talking and talking and talking.</p> <p>17 Q In that conversation, did Mr. Lee make</p> <p>18 any physical threats to either you or Chris Taloa?</p> <p>19 A No.</p> <p>20 Q Did he ever attempt to physically harm</p> <p>21 Chris Taloa?</p> <p>22 A No.</p> <p>23 Q Did he ever make physical contact with</p> <p>24 Chris Taloa?</p> <p>25 A Not that I recall.</p> <p style="text-align: right;">Page 310</p>	<p>1 No. 2. It's always going to be like that in his</p> <p>2 opinion. Hopefully, we can change that. They're going</p> <p>3 to continue to restrict access to hassle, harass,</p> <p>4 vandalize, assault, and keep people in fear of going</p> <p>5 there.</p> <p>6 Q Do you believe that Mr. Lee was hassling</p> <p>7 Mr. Taloa that day?</p> <p>8 A Again, I can't -- my belief is if he was</p> <p>9 talking to me the same way that he was talking to</p> <p>10 Chris, I would consider it hassling me. I don't know</p> <p>11 how Chris took it; so, I think it was -- I think it was</p> <p>12 a hassle, yes.</p> <p>13 Q Did Mr. Lee hassle you that day?</p> <p>14 A I mean, to the extent of, you know, him</p> <p>15 being part of the Bay Boys and potentially coordinating</p> <p>16 efforts, he could have either earlier or before. I</p> <p>17 don't know.</p> <p>18 Q Did he or did he not hassle you that</p> <p>19 day?</p> <p>20 MR. FRANKLIN: Asked and answered.</p> <p>21 THE WITNESS: Again, if he's part of the</p> <p>22 Bay Boys -- and we're alleging that he is -- and if</p> <p>23 he's on the phone or the other end of the phone with</p> <p>24 somebody, either me being out in the water getting</p> <p>25 assaulted and battered, and if he's in any part acting</p> <p style="text-align: right;">Page 312</p>
<p>1 Q You had mentioned earlier this morning</p> <p>2 that Mr. Lee in that conversation had discussed how he</p> <p>3 became a Bay Boy. Can you expand on that?</p> <p>4 A I recall language to the effect of</p> <p>5 Mr. Lee describing how he had been down there himself</p> <p>6 not a member of the Bay Boys or associated with them</p> <p>7 trying to surf and getting hassled and, basically,</p> <p>8 harassed and not allowed to surf there for some period</p> <p>9 of time. I don't recall how long that was. How he</p> <p>10 would, then, start bringing beer for an amount of time,</p> <p>11 which I don't recall how long that was, to basically</p> <p>12 get friendly with the guys down at the fort and</p> <p>13 eventually, I guess -- I guess there's -- must be an</p> <p>14 amount of beer that lets you get in. I don't know, but</p> <p>15 that's what he described.</p> <p>16 Q Have you seen Mr. Lee drink beer in</p> <p>17 Lunada Bay?</p> <p>18 A No, I have not seen him consume beer.</p> <p>19 Q You just mentioned earlier that Mr. Lee</p> <p>20 had discussed why they enforced things the way they do.</p> <p>21 I'm not sure what you meant by "they."</p> <p>22 A Bay Boys.</p> <p>23 Q Can you expand on that conversation?</p> <p>24 A Well, "they," meaning the Bay Boys,</p> <p>25 No. 1, and how they keep the area free of outsiders,</p> <p style="text-align: right;">Page 311</p>	<p>1 in concert with that, then, I would say it's possible.</p> <p>2 BY MS. LUTZ:</p> <p>3 Q Have you seen Mr. Lee ever be on the</p> <p>4 phone at Lunada Bay?</p> <p>5 A I have not.</p> <p>6 Q Have you ever seen Mr. Lee injure anyone</p> <p>7 at Lunada Bay?</p> <p>8 A No.</p> <p>9 Q Have you ever seen Mr. Lee slash</p> <p>10 anyone's tires?</p> <p>11 A No.</p> <p>12 Q Have you ever seen Mr. Lee engage in the</p> <p>13 destruction of property at Lunada Bay?</p> <p>14 A No.</p> <p>15 Q Do you contend that Mr. Lee is involved</p> <p>16 in drug use?</p> <p>17 A I don't know his involvement in any drug</p> <p>18 use.</p> <p>19 Q Is that a "No"?</p> <p>20 A I don't know if he's involved in any</p> <p>21 drug use.</p> <p>22 Q Do you believe that Mr. Lee is involved</p> <p>23 in any drug trafficking?</p> <p>24 A I don't know if he is.</p> <p>25 Q You have no facts to believe that?</p> <p style="text-align: right;">Page 313</p>

<p>1 MR. FRANKLIN: Vague and ambiguous. 2 THE WITNESS: I don't. 3 BY MS. LUTZ: 4 Q We discussed earlier this morning that 5 you had visited Lunada Bay at least four or five times 6 before you were 20 years old; is that correct? 7 A Correct. 8 Q How many times did you attempt to surf 9 Lunada Bay before you were 20? 10 A So, attempt is -- you drive up there 11 with maybe the hopes of nobody being there, and maybe 12 you can go out and sneak in a couple waves. And to 13 actually get out of my car and suit up and go down 14 there to try to surf, none. 15 Q And how many times since you were age 20 16 have you attempted to surf Lunada Bay? 17 A In the same context, once. 18 Q Is that the January 29th date? 19 A Correct. 20 Q Have you ever seen anyone slash any 21 tires at Lunada Bay? 22 A I personally have not. 23 Q Have you ever seen anyone throw rocks at 24 Lunada Bay? 25 A On a video, I have.</p> <p style="text-align: right;">Page 314</p>	<p>1 that told you about those rumors? 2 MR. FRANKLIN: Asked and answered. 3 THE WITNESS: Not that I can remember 4 specifically. 5 BY MS. LUTZ: 6 Q On January 29, 2016, when you arrived at 7 Lunada Bay, how many people were in the water? 8 MR. FRANKLIN: Asked and answered; vague and 9 ambiguous. 10 THE WITNESS: In the water when we first 11 paddled out, there was two to three, somewhere in 12 there; maybe more. I don't recall the specific amount 13 right now. 14 BY MS. LUTZ: 15 Q How long were you in the water? 16 A Approximately, an hour to an 17 hour-and-a-half. 18 Q When you were paddling out on 19 January 29th, 2016, were you paddling towards the west? 20 A It's the south. It's so hard. The 21 California coast is so angled; so, I'm going to say 22 south. 23 Q Was the wave break to your right? 24 A The wave breaks from the north to the 25 south; and, as you're facing the beach, it breaks to</p> <p style="text-align: right;">Page 316</p>
<p>1 Q But not in person? 2 A Not in person. 3 Q Have you ever seen anyone engage in 4 verbal abuse at Lunada Bay? 5 MR. FRANKLIN: Asked and answered. 6 THE WITNESS: Again, you asked if -- if it was 7 harassing to have Sang Lee continue to engage my friend 8 in conversation. I would have to answer yes to that. 9 BY MS. LUTZ: 10 Q Engage in verbal abuse? 11 MR. FRANKLIN: Asked and answered. 12 THE WITNESS: Yes, I mean, if somebody wants to 13 not talk to you anymore, you shouldn't keep coming at 14 him and keep talking and prolonging what someone 15 doesn't want to engage in. 16 BY MS. LUTZ: 17 Q Just for clarification, so any time 18 anyone engages in conversation you don't want to, 19 that's verbal abuse? 20 MR. FRANKLIN: Argumentative. 21 THE WITNESS: That's not what I'm saying. 22 BY MS. LUTZ: 23 Q You'd mentioned earlier this morning 24 that prior to visiting Lunada Bay, you had heard rumors 25 about Lunada Bay. Have you -- can you name any person</p> <p style="text-align: right;">Page 315</p>	<p>1 your right. If you're paddling out, it breaks to your 2 left. 3 Q So which was it for you? 4 A When? 5 MR. FRANKLIN: Vague and ambiguous. 6 BY MS. LUTZ: 7 Q When you were -- 8 A I don't mean to be argumentative. 9 Clarify for me if -- 10 Q Which way was the wave breaking as you 11 -- at the time that you collided with one of the other 12 surfers? 13 MR. FRANKLIN: Asked and answered; vague and 14 ambiguous. 15 THE WITNESS: The wave, the particular area 16 where you surf always breaks from north to south. 17 BY MS. LUTZ: 18 Q So was it to your left or to your right 19 at the time of the incident? 20 MR. FRANKLIN: Vague and ambiguous. 21 THE WITNESS: To my left or to my right? When 22 I got hit? 23 BY MS. LUTZ: 24 Q That's the question. 25 A So, I'm paddling off south off to the</p> <p style="text-align: right;">Page 317</p>

<p>1 channel. The wave would have been to my right. 2 Q Have you seen Sang Lee since 3 January 29th, 2016? 4 A I have not in person. Many videos I 5 have. 6 Q How far away were you from Chris and 7 Sang as they're having their conversation on 8 January 29th, 2016? 9 A Within three to five feet. 10 Q And you could hear everything that they 11 were saying? 12 A Yes. 13 Q How long was the conversation? 14 A Just an estimation, maybe ten minutes. 15 Q Did Chris and Sang appear to know each 16 other? 17 A Again, I can't speak, you know, for 18 Chris; but it was apparent they knew of each other. 19 Chris knew his name; so, in that sense, I would say 20 yes. I don't -- I don't know to the extent of what 21 you're asking do they know each other. 22 Q Did it appear as though they knew each 23 other based on -- 24 A They knew who each other were. 25 Q When you later spoke to Chris Taloa</p> <p style="text-align: right;">Page 318</p>	<p>1 A I don't. 2 Q When Sang was describing to you how he 3 became what you allege a Bay Boy, did he use the term 4 "Bay Boy"? 5 A Not that I recall. 6 Q Did he call himself a "Bay Boy"? 7 A Not that I recall. 8 Q In the time before when you visited 9 Lunada Bay before you were 20, where were the swells, 10 if you remember? 11 A What type of swells were they? 12 Q Where were they? 13 A What type of season was it? So, you 14 know, I don't mean to question you. 15 Q That's fine. I don't know anything 16 about surfing so -- 17 A Okay. So, being a young surfer -- that 18 might help you. 19 Q What was the angle of the swells? 20 A I don't recall. 21 Being a young surfer, I wasn't fully as 22 verse as I am now on swell direction; season; the way 23 it was breaking; and I don't even recall when I was 24 younger at what time I visited Lunada Bay. 25 Q Were there swells that you remember?</p> <p style="text-align: right;">Page 320</p>
<p>1 about Sang, he told you who that -- that Sang was who 2 he was; is that correct? 3 A Correct. 4 Q Was that on the same day, on 5 January 29th? 6 A Yes. 7 Q What did Mr. Taloa say in that 8 conversation? 9 A It was -- it was, basically, to the 10 effect that, you know, this is a known guy that, you 11 know, surfs here. He's a Bay Boy. He -- I don't know 12 to the extent of which Sang had knowledge of the 13 incident where Chris' family member was assaulted, but 14 I know there was conversation between me and Chris 15 that, you know, he is very well-versed on that 16 incident, that incident being something I'm not a whole 17 lot up to date on or informed of what happened with 18 Chris' family member, really. I just know there was an 19 assault and that Sang knew about it but ... 20 Q Do you know how Sang knew about it? 21 A I don't know. That was part of the 22 discussion they were having between them, as well, 23 that, as I indicated earlier, something about that 24 assault. 25 Q But you don't remember the specifics?</p> <p style="text-align: right;">Page 319</p>	<p>1 A I -- I don't recall. 2 Q Were there people surfing there? 3 A It's when I was 15. I don't remember. 4 I'm sorry. 5 Q No, that's fine. 6 Did -- the conversation -- sorry to go 7 back and forth, but the conversation between Sang Lee 8 and Chris Taloa, did you -- do you believe that 9 Sang Lee raised his voice at any point in time? 10 A It -- it wasn't raising a voice and it 11 wasn't -- it wasn't an argument. It wasn't a conflict, 12 no. 13 MS. LUTZ: Okay. No further questions at this 14 time. Thank you. 15 16 EXAMINATION 17 BY MR. HAVEN: 18 Q Hello, Mr. Spencer. Peter Haven. I'll 19 try to make this as brief as possible. 20 You indicated earlier that you had 21 looked at some videos, and I assume that these -- 22 MR. FRANKLIN: Would you mind? He doesn't know 23 who everybody represents. 24 MR. HAVEN: Oh, I apologize. Michael Papayans. 25 MR. FRANKLIN: I didn't mean to interrupt you.</p> <p style="text-align: right;">Page 321</p>

<p>1 MR. HAVEN: That's all right. I got carried</p> <p>2 away. Do you need me to come down there? I'll come</p> <p>3 down there. I apologize. I represent</p> <p>4 Michael Papayans.</p> <p>5 Q You indicated earlier that you had</p> <p>6 looked at some videos. Could you describe for me the</p> <p>7 videos that you looked at? And I assume that these are</p> <p>8 videos depicting alleged Bay Boy incidents?</p> <p>9 A So, videos I can remember, there's</p> <p>10 several. There's videos with Mr. Lee's voice. It was</p> <p>11 an undercover video shot by -- I don't know who.</p> <p>12 There's videos of -- I believe it was back in the '80s</p> <p>13 of a young kid being -- I don't think he was -- I don't</p> <p>14 think he was -- basically, being told that he's not</p> <p>15 allowed to surf there, and I think his uncle or</p> <p>16 somebody was in there. I don't remember.</p> <p>17 Q And that was a video -- I'm sorry. That</p> <p>18 was a video back in the '80s?</p> <p>19 A I think so.</p> <p>20 Q Okay. Thank you.</p> <p>21 A There's a video -- and I'm not sure when</p> <p>22 this was taken, but there's a video of a male hitting</p> <p>23 several times another male, you know, in the head.</p> <p>24 What other videos? Other videos of guys walking on the</p> <p>25 beach and, basically, getting asked the same questions</p> <p>Page 322</p>	<p>1 that was with Mr. Taloa's assistance?</p> <p>2 A You mean in identifying them?</p> <p>3 Q Yeah, putting names to faces.</p> <p>4 A Correct.</p> <p>5 Q Okay.</p> <p>6 Has anybody ever pointed out to you by</p> <p>7 name any other people you've seen in a video or any</p> <p>8 other people that you recall interacting with at</p> <p>9 Lunada Bay?</p> <p>10 A Anybody outside of Chris Taloa?</p> <p>11 Q Yeah. I don't want to invade</p> <p>12 attorney-client privilege. If your attorneys have</p> <p>13 identified somebody, then, I'll just leave it at that;</p> <p>14 but outside of attorney-client communications, has</p> <p>15 anybody pointed out someone and said, "That's</p> <p>16 so-and-so"?</p> <p>17 A Not that I can recall.</p> <p>18 Q To your knowledge, do you know if</p> <p>19 Michael Papayans had any involvement in these</p> <p>20 Lunada Bay incidents that you've described here today</p> <p>21 that you were personally involved with?</p> <p>22 A I don't know if he was there when I was</p> <p>23 there. I couldn't answer that.</p> <p>24 Q Okay. And the same question as to</p> <p>25 Alan Johnston.</p> <p>Page 324</p>
<p>1 on, you know, why -- why they're here -- undercover</p> <p>2 videos, but I don't know the sources or anything. I</p> <p>3 did see them.</p> <p>4 Q As you sit here right now, any other</p> <p>5 videos that you recall seeing?</p> <p>6 A Not at this time.</p> <p>7 Q Do you know who Michael Papayans is?</p> <p>8 A I know that's a name that's popped up a</p> <p>9 lot in Lunada Bay. I know he's allegedly a Bay Boy,</p> <p>10 and I've heard it but ...</p> <p>11 Q I'm sorry. Go ahead. Are you finished?</p> <p>12 A I'm finished.</p> <p>13 Q Thank you.</p> <p>14 To your knowledge, have you ever seen</p> <p>15 Michael Papayans?</p> <p>16 A Not that I can recall.</p> <p>17 Q To your knowledge, have you ever seen</p> <p>18 one of the other defendants named in this case,</p> <p>19 Alan Johnston?</p> <p>20 A I don't know if I've seen him or not.</p> <p>21 Q These incidents that you've described at</p> <p>22 Lunada Bay, it appears that you were able to identify</p> <p>23 by name two individuals, and you've talked about them</p> <p>24 today, Mr. Blakeman and Mr. Lee.</p> <p>25 Now, just so I understand correctly,</p> <p>Page 323</p>	<p>1 A Same answer.</p> <p>2 Q Can you describe the individual who ran</p> <p>3 over you with the surfboard?</p> <p>4 A Yes.</p> <p>5 Q Could you give us a description of him,</p> <p>6 please?</p> <p>7 A Male, white; approximately, six foot;</p> <p>8 185 to 200; dark hair; wetsuit.</p> <p>9 Q Any estimate as to his age?</p> <p>10 A I think mid-40s to mid-50s, somewhere in</p> <p>11 there.</p> <p>12 MR. HAVEN: Okay. I don't think I have any</p> <p>13 other questions. Let me pause here and think for a</p> <p>14 moment. I don't think I do.</p> <p>15 MS. HEWITT: That was quick.</p> <p>16 MR. HAVEN: Thank you very much.</p> <p>17 MR. FRANKLIN: Anybody else have questions?</p> <p>18 MR. WORGUL: I have two follow-ups.</p> <p>19 THE WITNESS: Can we just get some water?</p> <p>20 MS. HEWITT: Yes.</p> <p>21 THE WITNESS: Take a break? Give me five</p> <p>22 minutes.</p> <p>23 MR. WORGUL: Of course.</p> <p>24 (A recess was taken at 6:09 p.m.</p> <p>25 until 6:13 p.m.)</p> <p>Page 325</p>

<p>1 FURTHER EXAMINATION</p> <p>2 BY MR. WORGUL:</p> <p>3 Q Officer Spencer?</p> <p>4 A Yes.</p> <p>5 Q The videos that Mr. Haven was just</p> <p>6 talking with you about that you described, did you view</p> <p>7 those videos after your January 29th of 2016 incident,</p> <p>8 or did you view them beforehand?</p> <p>9 A After.</p> <p>10 Q Okay. So, up until you had that</p> <p>11 incident on January 29th of 2016, you hadn't viewed any</p> <p>12 of those videos; correct?</p> <p>13 A Not those that I saw after, no.</p> <p>14 Q Okay.</p> <p>15 Are you aware of any other surfer gangs?</p> <p>16 A No.</p> <p>17 Q Are you aware of any other surfers who</p> <p>18 are even in a gang if it's not a surfer gang?</p> <p>19 MR. FRANKLIN: Vague and ambiguous; calls for</p> <p>20 speculation.</p> <p>21 THE WITNESS: I'm not.</p> <p>22 BY MR. WORGUL:</p> <p>23 Q I just wanted to go over and just</p> <p>24 clarify a little bit of the incident where you were run</p> <p>25 over, and you got skegged and you cut your wrist. So,</p> <p style="text-align: right;">Page 326</p>	<p>1 there is at Lunada Bay; correct?</p> <p>2 A That's, in my opinion, most desirous for</p> <p>3 me, you know. I imagine for everybody else that wants</p> <p>4 to go surf out there.</p> <p>5 Q Okay.</p> <p>6 That's the premiere wave that you're</p> <p>7 discussing in your complaint; correct?</p> <p>8 A Correct.</p> <p>9 Q Okay. And that wave starts to break at</p> <p>10 the northern point of Lunada Bay; is that correct?</p> <p>11 A Correct.</p> <p>12 Q Okay. And, generally, even though I</p> <p>13 know we don't know exact compass directions, when</p> <p>14 you're in the water, the shore is to your east?</p> <p>15 A When you're in the water, the shore</p> <p>16 would be to your east, yes.</p> <p>17 Q And I understand it's going to curve</p> <p>18 through the bay; right?</p> <p>19 A Correct.</p> <p>20 Q Okay. And would you agree with me that</p> <p>21 the sun rises in the east?</p> <p>22 A The sun rises in the east.</p> <p>23 Q Okay. So in the morning time, for</p> <p>24 someone who is surfing, the most desirous portion of</p> <p>25 Lunada Bay at that wave that breaks from left to right,</p> <p style="text-align: right;">Page 328</p>
<p>1 in surfer terms, as a surfer would refer to it, would</p> <p>2 you agree with me that Lunada Bay is a right, being it</p> <p>3 breaks from -- from -- strike that.</p> <p>4 When surfers describe the direction of</p> <p>5 the wave, they usually describe it facing in towards</p> <p>6 the shore; correct?</p> <p>7 A Correct.</p> <p>8 Q Okay. And that's how you distinguish</p> <p>9 between what's a left and a right wave; correct?</p> <p>10 A Correct.</p> <p>11 Q And, so, if you're facing in towards the</p> <p>12 shore, if the wave breaks from your left to your right,</p> <p>13 that is a right?</p> <p>14 A Yes.</p> <p>15 Q Okay. And that's what Lunada Bay is;</p> <p>16 right?</p> <p>17 A The main part.</p> <p>18 Q Strike that.</p> <p>19 That's what Lunada Bay is; correct?</p> <p>20 A The main part, correct. There's other</p> <p>21 parts of the bay that break, but that part where we're</p> <p>22 specifically talking about is the left-to-right break.</p> <p>23 Q Okay.</p> <p>24 A Correct.</p> <p>25 Q And that's the most desirous wave that</p> <p style="text-align: right;">Page 327</p>	<p>1 the sun is actually facing right into the person's face</p> <p>2 who would be surfing on the waves; is that correct?</p> <p>3 A It could be, depending on which</p> <p>4 direction that person is facing. It's not always</p> <p>5 directly -- it wasn't always directly in my face as I</p> <p>6 was facing the beach that day; but it, generally, is in</p> <p>7 your view to the east.</p> <p>8 Q Generally, in the morning, if you're</p> <p>9 going to be surfing on that desirous portion of the</p> <p>10 wave, your face is going to be in an eastern direction</p> <p>11 at some point; right?</p> <p>12 A Correct.</p> <p>13 Q And, so, it does have the potential to</p> <p>14 obstruct someone's view that's surfing on the wave in</p> <p>15 the morning time; correct?</p> <p>16 A It does.</p> <p>17 Q Okay.</p> <p>18 Now, in surfing etiquette, per your</p> <p>19 knowledge, whenever -- did you understand what</p> <p>20 "paddling out" is?</p> <p>21 A I do.</p> <p>22 Q Okay. And that's when you're actually</p> <p>23 going from the shore or after a wave back to the most</p> <p>24 desirous portion or area of the ocean to catch where</p> <p>25 the wave breaks; right?</p> <p style="text-align: right;">Page 329</p>

<p>1 A Correct.</p> <p>2 Q Okay. And do you know any etiquette</p> <p>3 that's involved in that process of paddling out to</p> <p>4 where the wave is?</p> <p>5 A Just from years of surfing, I know that</p> <p>6 you try to avoid the critical part of the wave where</p> <p>7 other people are going to be surfing.</p> <p>8 Q What do you consider the critical part</p> <p>9 of the wave?</p> <p>10 A Closest to where it's freshly breaking.</p> <p>11 I guess the curl, so to speak.</p> <p>12 Q Okay.</p> <p>13 Can people sometimes surf farther in</p> <p>14 front of that? For example, if the waves is breaking</p> <p>15 from left to right and where it's actually breaking,</p> <p>16 where the white water is, can people surf farther right</p> <p>17 from where the wave is breaking on a wave?</p> <p>18 MR. FRANKLIN: Vague and ambiguous; lacks</p> <p>19 foundation; incomplete hypothetical.</p> <p>20 THE WITNESS: You can -- yes, you can surf</p> <p>21 anywhere on the wave that has enough energy to carry</p> <p>22 your board.</p> <p>23 BY MR. WORGUL:</p> <p>24 Q Okay. And in surfing etiquette, if</p> <p>25 there is a person who's actually on the wave and</p> <p style="text-align: right;">Page 330</p>	<p>1 towards the middle of the bay and get away from the</p> <p>2 point itself and the critical part of the wave.</p> <p>3 BY MR. WORGUL:</p> <p>4 Q Well, I wasn't asking what you were</p> <p>5 doing. I was just asking in general terms.</p> <p>6 A I can only testify to what I was doing</p> <p>7 and what I would do in that situation.</p> <p>8 Q I'm just asking about your knowledge</p> <p>9 regarding surfing etiquette.</p> <p>10 A That's my knowledge, as I've answered.</p> <p>11 Q Well, okay. Then, I just want to be</p> <p>12 very clear 'cause I don't think you answered my</p> <p>13 question in that regard. You told me what --</p> <p>14 A I think I did.</p> <p>15 Q Now you're cutting me off.</p> <p>16 You told me what you did in that</p> <p>17 specific circumstance, but I'm not asking about that</p> <p>18 specific circumstance. I'm asking about your knowledge</p> <p>19 of the etiquette; so -- and that, I don't believe</p> <p>20 you've answered; so, I just want to make sure I'm clear</p> <p>21 in what I'm asking you.</p> <p>22 When you have a wave that breaks right,</p> <p>23 meaning from the left to the right, and a person is</p> <p>24 paddling out towards it, and the critical part of the</p> <p>25 wave is where the white water is or the curl is, which</p> <p style="text-align: right;">Page 332</p>
<p>1 surfing it, and there's someone who's paddling out,</p> <p>2 does one person have the right of way?</p> <p>3 MR. FRANKLIN: Vague and ambiguous; incomplete</p> <p>4 hypothetical.</p> <p>5 THE WITNESS: Very. It's -- that is very vague</p> <p>6 to me, Counsel, only because each situation dictates a</p> <p>7 different scenario. But, generally, you, as the</p> <p>8 surfer, have the most speed and control of your board,</p> <p>9 which in my opinion, it's incumbent upon the surfer to</p> <p>10 avoid somebody paddling out, who especially is paddling</p> <p>11 in a safe direction, you know, away from the critical</p> <p>12 part of the wave.</p> <p>13 BY MR. WORGUL:</p> <p>14 Q Which way is away from the critical part</p> <p>15 of the wave, particularly on a right-breaking wave,</p> <p>16 like we described, if you're paddling out? Which way</p> <p>17 should a person who's paddling out paddle away from --</p> <p>18 MR. FRANKLIN: Vague.</p> <p>19 BY MR. WORGUL:</p> <p>20 Q -- to avoid the critical part of the</p> <p>21 wave?</p> <p>22 MR. FRANKLIN: Vague and ambiguous; incomplete</p> <p>23 hypothetical.</p> <p>24 THE WITNESS: Just -- just where I was paddling</p> <p>25 out, Lunada is a point break. You want to paddle</p> <p style="text-align: right;">Page 331</p>	<p>1 way in surfing etiquette should the person paddling</p> <p>2 paddle?</p> <p>3 MR. FRANKLIN: Vague and ambiguous; incomplete</p> <p>4 hypothetical; asked and answered.</p> <p>5 THE WITNESS: I refer to my original answer.</p> <p>6 BY MR. WORGUL:</p> <p>7 Q Okay, and your original answer was just</p> <p>8 based on what you did that day; not about the</p> <p>9 etiquette; right?</p> <p>10 MR. FRANKLIN: Asked and answered.</p> <p>11 THE WITNESS: I'm done answering the question.</p> <p>12 BY MR. WORGUL:</p> <p>13 Q You're refusing to answer my question?</p> <p>14 A No. I answered your question.</p> <p>15 Q Okay.</p> <p>16 If -- I made a really crude drawing,</p> <p>17 where I put the word "middle." That's the middle of the</p> <p>18 bay. This is the shoreline. Where I put this letter</p> <p>19 "N," that's the northern point, and this is just a wave</p> <p>20 right here. The arrow I drew, is that the direction</p> <p>21 that the wave would break at Lunada Bay?</p> <p>22 A I'll answer you because you're asking me</p> <p>23 a question. Do we need to enter this into evidence?</p> <p>24 I'm not sure.</p> <p>25 Q I don't know. It depends on what you</p> <p style="text-align: right;">Page 333</p>

<p>1 say.</p> <p>2 MR. FRANKLIN: If you're going to ask him a</p> <p>3 question on a document, why don't you just mark it as</p> <p>4 an exhibit?</p> <p>5 MR. WORGUL: Okay. What was the last exhibit</p> <p>6 we marked?</p> <p>7 THE REPORTER: We marked 43. Our next one is</p> <p>8 44.</p> <p>9 MR. WORGUL: I'll mark it as Exhibit 44.</p> <p>10 (Defendants' Exhibit 44 was marked for</p> <p>11 identification by the Certified Shorthand Reporter</p> <p>12 and is enclosed herewith.)</p> <p>13 MR. FRANKLIN: Can you put north; south; east;</p> <p>14 west?</p> <p>15 MR. WORGUL: These are crude --</p> <p>16 THE WITNESS: Very crude.</p> <p>17 MR. WORGUL: -- compass directions.</p> <p>18 THE WITNESS: For purposes of our conversation,</p> <p>19 that's accurate, as a crude drawing goes.</p> <p>20 BY MR. WORGUL:</p> <p>21 Q Okay. And based on the crude drawing,</p> <p>22 the middle would be where you would paddle out; right?</p> <p>23 MR. FRANKLIN: Vague and ambiguous.</p> <p>24 THE WITNESS: Paddle out in the -- when you're</p> <p>25 first getting in the water? Paddling out.</p> <p style="text-align: right;">Page 334</p>	<p>1 right of way versus somebody who is paddling out?</p> <p>2 MR. FRANKLIN: Incomplete hypothetical.</p> <p>3 BY MR. WORGUL:</p> <p>4 Q Based on your years of surfing?</p> <p>5 MR. FRANKLIN: Incomplete hypothetical; vague</p> <p>6 and ambiguous.</p> <p>7 THE WITNESS: I don't agree with that</p> <p>8 statement.</p> <p>9 MR. WORGUL: Okay.</p> <p>10 MR. HAVEN: I apologize. If I could just ask</p> <p>11 one more question?</p> <p>12</p> <p>13 FURTHER EXAMINATION</p> <p>14 BY MR. HAVEN:</p> <p>15 Q I think earlier we talked about your</p> <p>16 hand injury. You said you didn't seek medical</p> <p>17 treatment, but my question is did you treat it in any</p> <p>18 way?</p> <p>19 A Yes.</p> <p>20 Q What was the treatment?</p> <p>21 A Just bandage; ice; elevation for the</p> <p>22 first -- I don't know -- day or so.</p> <p>23 MR. HAVEN: Thank you very much.</p> <p>24 MS. HEWITT: How much time do we have left?</p> <p>25 THE REPORTER: We've been on the record for six</p> <p style="text-align: right;">Page 336</p>
<p>1 BY MR. WORGUL:</p> <p>2 Q Middle is where the channel was that you</p> <p>3 would paddle out in; correct?</p> <p>4 A But when you say, "paddle out," a paddle</p> <p>5 out means when you're first paddling out, or you're</p> <p>6 paddling out from catching your last wave?</p> <p>7 Q Either/or.</p> <p>8 MR. FRANKLIN: Vague and ambiguous.</p> <p>9 THE WITNESS: I guess the only way I could</p> <p>10 accurately answer is for me to draw on your crude</p> <p>11 drawing, and I don't know if that's allowed.</p> <p>12 MR. WORGUL: You can, but you don't have to.</p> <p>13 Q Let me ask you this. When the person</p> <p>14 who is surfing on the wave that allegedly ran you over,</p> <p>15 where he ran you over, was that a surfable portion of</p> <p>16 the wave?</p> <p>17 MR. FRANKLIN: Vague and ambiguous.</p> <p>18 THE WITNESS: Yes, he was up and riding; so, it</p> <p>19 was surfable, I guess.</p> <p>20 BY MR. WORGUL:</p> <p>21 Q Were you obstructing his ability to surf</p> <p>22 the wave?</p> <p>23 A I don't believe I was.</p> <p>24 Q Is it -- would you agree with me that,</p> <p>25 generally, the person who is surfing the wave has the</p> <p style="text-align: right;">Page 335</p>	<p>1 hours and forty-three minutes.</p> <p>2 MS. HEWITT: Does anybody else have any</p> <p>3 questions?</p> <p>4 THE WITNESS: Could I just clarify something on</p> <p>5 your crude drawing?</p> <p>6 MR. WORGUL: If you want to.</p> <p>7 THE WITNESS: Without -- I'm not going to draw</p> <p>8 on it. Is that --</p> <p>9 MR. WORGUL: I can give you something if you</p> <p>10 want to draw on it.</p> <p>11 MS. HEWITT: Let me ask my couple questions;</p> <p>12 then, we can go back. We'll get a couple colored</p> <p>13 pencils.</p> <p>14 THE WITNESS: Okay.</p> <p>15</p> <p>16 FURTHER EXAMINATION</p> <p>17 BY MS. HEWITT:</p> <p>18 Q Mr. Spencer, earlier you were asked by</p> <p>19 other counsel about citizens' arrests and your</p> <p>20 knowledge and such. We talked a little bit about why</p> <p>21 the DA may or may not have prosecuted a report that you</p> <p>22 might have brought. Would you agree that even if a</p> <p>23 District Attorney declined to prosecute charges that</p> <p>24 you brought for any of the events that took place at</p> <p>25 Lunada Bay, that even you, a police officer, effecting</p> <p style="text-align: right;">Page 337</p>

<p>1 a citizen's arrest may have acted as a deterrent effect</p> <p>2 to future actions by anybody at the Lunada Bay Boy,</p> <p>3 like you've described -- excuse me -- at Lunada Bay,</p> <p>4 like you've described here today?</p> <p>5 MR. FRANKLIN: Incomplete hypothetical.</p> <p>6 THE WITNESS: So, if I -- if I understand the</p> <p>7 question, you're asking if I would have effected the</p> <p>8 arrest, would it have prevented other incidents from</p> <p>9 happening at the bay or could it?</p> <p>10 BY MS. HEWITT:</p> <p>11 Q Not precisely. Could it have acted as a</p> <p>12 deterrent to future events?</p> <p>13 A In my opinion, no. Only because there's</p> <p>14 documented other arrests; lawsuits in the past and</p> <p>15 based on personal injury that have not deterred this</p> <p>16 type of activity. I don't think mine would have been</p> <p>17 significant.</p> <p>18 Q Okay.</p> <p>19 What differently -- do you want the city</p> <p>20 to effect more arrests out at Lunada Bay?</p> <p>21 A Do I want the city to effect more</p> <p>22 arrests? Only if they're justifiable and warranted</p> <p>23 arrests.</p> <p>24 Q Okay.</p> <p>25 A Then I would love the city to enforce</p> <p style="text-align: right;">Page 338</p>	<p>1 a deterrent in any way, shape, or form going forward as</p> <p>2 to the actions of who you called the "Lunada Bay Boys"?</p> <p>3 MR. FRANKLIN: Objection: incomplete</p> <p>4 hypothetical; vague and ambiguous; assumes facts not in</p> <p>5 evidence.</p> <p>6 THE WITNESS: Are you talking about my arrest?</p> <p>7 BY MS. HEWITT:</p> <p>8 Q Yes. If you effected a citizen's arrest</p> <p>9 as a police officer --</p> <p>10 A Uh-huh.</p> <p>11 Q -- if you effected a citizen's arrest</p> <p>12 out there, given that they're -- as you testified,</p> <p>13 there were city police officers out there to whom you</p> <p>14 could have reported your citizen's arrest?</p> <p>15 A It wouldn't apply because I wasn't</p> <p>16 acting in capacity of a police officer that day.</p> <p>17 Q You're right. That was a bad question.</p> <p>18 You would have acted --</p> <p>19 A It would have just been another</p> <p>20 citizen's arrest.</p> <p>21 Q Right. But it would have been a</p> <p>22 citizen's arrest by a police officer.</p> <p>23 MR. FRANKLIN: Objection: argumentative;</p> <p>24 incomplete hypothetical; assumes facts not in evidence;</p> <p>25 lacks foundation.</p> <p style="text-align: right;">Page 340</p>
<p>1 any type of actions starting from the smallest</p> <p>2 infraction to the highest misdemeanor they can find if</p> <p>3 they're committed there, yes.</p> <p>4 Q Okay. So, you've told me that there</p> <p>5 have been arrests out there, and you did not believe</p> <p>6 that that prevented future arrests; correct?</p> <p>7 A I believe it's not been effective.</p> <p>8 Q Okay.</p> <p>9 You agree you could have effected a</p> <p>10 citizen's arrest based on one or more of the incidents</p> <p>11 that you suffered at Lunada Bay; correct?</p> <p>12 A I believe, yeah -- yes.</p> <p>13 Q Okay. And you declined to do so because</p> <p>14 you felt the DA would not prosecute?</p> <p>15 A Correct.</p> <p>16 Q All right.</p> <p>17 Is there any other reason why you did</p> <p>18 not effect a citizen's arrest yourself at Lunada Bay?</p> <p>19 MR. FRANKLIN: Vague and ambiguous.</p> <p>20 THE WITNESS: No. It just would have not gone</p> <p>21 anywhere.</p> <p>22 BY MS. HEWITT:</p> <p>23 Q All right. And it's your testimony that</p> <p>24 the act of a serving police officer to effect a</p> <p>25 citizen's arrest at Lunada Bay would have not acted as</p> <p style="text-align: right;">Page 339</p>	<p>1 BY MS. HEWITT:</p> <p>2 Q Would anything have barred you -- and I</p> <p>3 don't know because, again, I'm a civilian who doesn't</p> <p>4 know. Would anything have barred you from, in the</p> <p>5 process of effectuating a citizen's arrest on the</p> <p>6 person who sliced your hand, for instance, in the</p> <p>7 course of effectuating a citizen's arrest, telling them</p> <p>8 that you, in fact, are an El Segundo Police Department</p> <p>9 officer?</p> <p>10 MR. FRANKLIN: Objection: vague and ambiguous;</p> <p>11 incomplete hypothetical; assumes facts not in evidence.</p> <p>12 THE WITNESS: My capacity as a police officer</p> <p>13 -- I wouldn't -- I wouldn't even bring that up.</p> <p>14 BY MS. HEWITT:</p> <p>15 Q Does anything bar you from telling them</p> <p>16 that in the process of conducting a citizen's arrest?</p> <p>17 MR. FRANKLIN: Objection: assumes facts not in</p> <p>18 evidence; incomplete hypothetical.</p> <p>19 THE WITNESS: Not that I know of.</p> <p>20 BY MS. HEWITT:</p> <p>21 Q Okay. When you spoke to the</p> <p>22 City of Palos Verdes police officers at Lunada Bay, did</p> <p>23 you tell them you were an El Segundo Police Department</p> <p>24 officer?</p> <p>25 MR. FRANKLIN: Vague and ambiguous.</p> <p style="text-align: right;">Page 341</p>

<p>1 THE WITNESS: I didn't have to tell one of 2 them. I used to work with one of them. 3 BY MS. HEWITT: 4 Q Okay. Other than Gaunt, who I believe 5 you said you saw in February; right? 6 A Right. 7 Q In the January 2016 time period, did you 8 tell anybody -- tell any of the PVE Police Department 9 officers that you were an El Segundo police officer? 10 MR. FRANKLIN: Objection to the extent it 11 misstates prior testimony. 12 THE WITNESS: I don't believe I did. 13 MS. HEWITT: Okay. 14 Q Did any of the alleged Lunada Bay Boys 15 ever ask you where you were from? 16 A No. 17 Q No. Okay. Okay. 18 Did anybody at the City of Palos Verdes 19 Estate Police Department ever refuse to take a report 20 from you? 21 A No. 22 MS. HEWITT: Okay. That's all I have. 23 //// 24 //// 25 ////</p> <p>Page 342</p>	<p>1 appreciate it. Thank you. 2 MS. HEWITT: Did we have a stipulation from 3 last night? 4 MR. FRANKLIN: I don't know what the 5 stipulation was last night. 6 MR. CROWLEY: There was no stipulation. 7 MR. WORGUL: There was no stipulation. 8 MR. FRANKLIN: I would say I went on record at 9 the beginning. We'd asked under the FRCP for the 30 10 days for him to review it. 11 MS. HEWITT: Is there any objection to that? 12 MR. FRANKLIN: You don't have to object. I say 13 that and that happens. In terms of -- I do have a 14 question. 15 16 EXAMINATION 17 BY MR. FRANKLIN: 18 Q It was January 29th? Was that the date 19 you encountered Mr. Blakeman? 20 A Yes. 21 Q In your opinion, was he surfing that 22 day? 23 A No. 24 Q What was he doing? 25 A When I was in the water, in my opinion,</p> <p>Page 344</p>
<p>1 FURTHER EXAMINATION 2 BY MR. WORGUL: 3 Q How many Lunada Bay Boys are there? 4 MR. FRANKLIN: We're not playing Ping Pong back 5 and forth. You're done. She's done. Anybody else 6 have any other questions? I think you've already asked 7 some; so, this isn't like a free-for-all now to jump at 8 him. 9 Mr. Haven, you've been -- you've been 10 very quiet, if you wanted to ask a question. 11 12 FURTHER EXAMINATION 13 BY MR. HAVEN: 14 Q Do you know how many members of the 15 Bay Boys there are? 16 A I can't give you a specific number. 17 Q Okay. 18 Do you know how many victims of localism 19 practice by the Bay Boys there are? Do you know how 20 many victims of that? 21 A I can only assume. If you want me to 22 assume, I'll give you that assumption number. 23 Q Go ahead and give me an estimation. 24 A Hundreds. 25 MR. HAVEN: Okay. Thank you very much. I</p> <p>Page 343</p>	<p>1 I didn't -- No. 1, I didn't see him catch one wave; go 2 for any waves; attempt to catch any waves. He just 3 repeatedly and completely blocked myself and 4 Chris Taloa from catching waves. You know, which, in 5 fact, in my opinion, is an overt action to block us 6 from surfing, and I don't know who he was talking to 7 out in the water; and if he's talking to the guy that 8 hit me -- you asked if he assaulted me earlier. If 9 he's talking to those guys and that guy assaulted me 10 like he did, which he did, then, I would say he'd be 11 responsible for an assault and battery. That's all I'd 12 like to add. 13 MR. FRANKLIN: Okay. Thank you. 14 MR. WORGUL: I'd like to ask a follow-up to a 15 question, unless you have a problem. 16 MR. FRANKLIN: You get one question. You went 17 on for a long time. We're at -- are we at seven hours? 18 THE REPORTER: Six hours fifty-one minutes. 19 MR. WORGUL: Nine minutes. 20 MR. FRANKLIN: Knock yourself out. 21 22 FURTHER EXAMINATION 23 BY MR. WORGUL: 24 Q How much time did you observe 25 Mr. Blakeman in the water on that day?</p> <p>Page 345</p>

<p>1 A At least an hour.</p> <p>2 Q How much time had Mr. Blakeman been in</p> <p>3 the water before that?</p> <p>4 A Before I got in the water?</p> <p>5 Q Yes.</p> <p>6 A I didn't see him in the water before I</p> <p>7 got in the water.</p> <p>8 Q Was he -- did you see when he got in the</p> <p>9 water?</p> <p>10 A Shortly after we got in the water.</p> <p>11 Q Okay. So how much time was he in the</p> <p>12 water before you got out of the water? You saw him get</p> <p>13 in?</p> <p>14 A Approximately, an hour.</p> <p>15 MR. WORGUL: Okay. And I don't have any other</p> <p>16 questions for you.</p> <p>17 MR. FRANKLIN: Great. Thank you very much.</p> <p>18 THE REPORTER: Does anybody wish to order a</p> <p>19 certified transcript?</p> <p>20 MR. CROWLEY: Dan Crowley.</p> <p>21 MR. HAVEN: Peter Haven.</p> <p>22 THE REPORTER: Mr. Worgul, you said you wanted</p> <p>23 a certified transcript?</p> <p>24 MR. WORGUL: Yes.</p> <p>25 THE REPORTER: Ms. Lutz?</p> <p>Page 346</p>	<p>1</p> <p>2</p> <p>3</p> <p>4 ***</p> <p>5</p> <p>6 I do solemnly declare under penalty of</p> <p>7 perjury, under the laws of the State of California,</p> <p>8 that the foregoing is my deposition under oath; that</p> <p>9 these are the questions asked of me and my</p> <p>10 answers thereto; that I have read same and have made</p> <p>11 the necessary corrections, additions, or changes to</p> <p>12 my answers that I deem necessary.</p> <p>13 In witness thereof, I hereby subscribe my</p> <p>14 name this _____ day of _____, 20_____.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19 _____</p> <p>20 Witness Signature</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 348</p>
<p>1 MS. LUTZ: Yes.</p> <p>2 THE REPORTER: Mr. Franklin, did you want a</p> <p>3 certified transcript?</p> <p>4 MR. FRANKLIN: Yes.</p> <p>5 (Deposition proceedings concluded at</p> <p>6 6:35 p.m. Declaration under penalty of perjury on the</p> <p>7 following page hereof.)</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 347</p>	<p>1 Certification of Court Reporter</p> <p>2 Federal Jurat</p> <p>3</p> <p>4 I, the undersigned, a Certified Shorthand</p> <p>5 Reporter of the State of California do hereby certify:</p> <p>6 That the foregoing proceedings were taken</p> <p>7 before me at the time and place herein set forth;</p> <p>8 that any witnesses in the foregoing proceedings, prior</p> <p>9 to testifying, were placed under oath; that a verbatim</p> <p>10 record of the proceedings was made by me using machine</p> <p>11 shorthand which was thereafter transcribed under my</p> <p>12 direction; further, that the foregoing is an accurate</p> <p>13 transcription thereof.</p> <p>14 That before completion of the deposition, a</p> <p>15 review of the transcript [X] was [] was not requested.</p> <p>16 I further certify that I am neither</p> <p>17 financially interested in the action nor a relative or</p> <p>18 employee of any attorney of any of the parties.</p> <p>19 IN WITNESS WHEREOF, I have this date</p> <p>20 subscribed my name.</p> <p>21 Dated: October 21, 2016</p> <p>22</p> <p>23</p> <p>24 <i>Carmen R. Sanchez</i></p> <p>25 Carmen R. Sanchez CSR No. 5060</p> <p>Page 349</p>

Exhibit N

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

CORY SPENCER, an individual; DIANA)
MILENA REED, an individual; and)
COASTAL PROTECTION RANGERS, INC., a)
California non-profit public benefit)
corporation,) Case No.
2:16-cv-02129-SJO-RAO
Plaintiffs,)
vs.)
LUNADA BAY BOYS, et al.,)
Defendants.)
_____)

VIDEOTAPED DEPOSITION OF DIANA MILENA REED
Santa Monica, California
Monday, October 24, 2016

REPORTED BY:
Jimmy S. Rodriguez
CSR No. 13464

<div>1 UNITED STATES DISTRICT COURT</div> <div>2 CENTRAL DISTRICT OF CALIFORNIA</div> <div>3 WESTERN DIVISION</div> <div>4</div> <div>5 CORY SPENCER, an individual; DIANA)</div> <div>6 MILENA REED, an individual; and)</div> <div>7 COASTAL PROTECTION RANGERS, INC., a)</div> <div>8 California non-profit public benefit</div> <div>9 corporation,) Case No.</div> <div>10) 2:16-cv-02129-SJO-RAO</div> <div>11 Plaintiffs,)</div> <div>12)</div> <div>13 vs.)</div> <div>14)</div> <div>15 LUNADA BAY BOYS, et al.,)</div> <div>16)</div> <div>17 Defendants.)</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div> <div>Videotaped deposition of DIANA MILENA REED, taken before Jimmy Rodriguez, a Certified Shorthand Reporter for the State of California, with principal office in the County of Orange, commencing at 9:12 a.m., Monday, October 24, 2016 at the Premier Business Centers - Santa Monica, 401 Wilshire Boulevard, 12th Floor, Santa Monica, California.</div> <div>Page 2</div>	<div>1 APPEARANCES OF COUNSEL (Continued):</div> <div>2 FOR DEFENDANT, Alan Johnston aka Jalian Johnston:</div> <div>3 LAW OFFICES OF J. PATRICK CAREY</div> <div>4 BY: J. PATRICK CAREY, Esq.</div> <div>5 1230 Rosecrans Avenue</div> <div>6 Suite 300</div> <div>7 Manhattan Beach, CA 90266</div> <div>8 TEL: (310) 526-2237</div> <div>9 Pat@patcareylaw.com</div> <div>10</div> <div>11 FOR DEFENDANT, Angelo Ferrara and N.F.:</div> <div>12</div> <div>13 LAW OFFICES OF MARK C. FIELDS, APC</div> <div>14 BY: MARK C. FIELDS, Esq.</div> <div>15 (Via Telephone)</div> <div>16 333 South Hope Street</div> <div>17 35th Floor</div> <div>18 Los Angeles, CA 90071</div> <div>19 TEL: (213) 617-5225</div> <div>20 FAX: (213) 629-4520</div> <div>21 Fields@markfieldslaw.com</div> <div>22</div> <div>23 FOR DEFENDANT, Sang Lee:</div> <div>24 LEWIS BRISBOIS BISGAARD & SMITH</div> <div>25 BY: TERA A. LUTZ, Esq.</div> <div>633 West 5th Street</div> <div>Suite 4000</div> <div>Los Angeles, CA 90071</div> <div>TEL: (213) 250-1800</div> <div>FAX: (213) 250-7900</div> <div>Tera.lutz@lewisbrisbois.com</div> <div>FOR DEFENDANT, Sang Lee:</div> <div>BOOTH MITCHEL & STRANGE, LLP</div> <div>BY: DANIEL M. CROWLEY, Esq.</div> <div>707 Wilshire Boulevard</div> <div>Suite 3000</div> <div>Los Angeles, CA 90017</div> <div>TEL: (213) 738-0100</div> <div>FAX: (213) 380-3308</div> <div>Dmcrowley@boothmitchel.com</div> <div>Page 4</div>
<div>1 APPEARANCES OF COUNSEL:</div> <div>2 FOR PLAINTIFFS:</div> <div>3 HANSON BRIDGETT, LLP</div> <div>4 BY: KURT A. FRANKLIN, Esq.</div> <div>5 425 Market Street</div> <div>6 26th Floor</div> <div>7 San Francisco, CA 94105</div> <div>8 TEL: (415) 777-3200</div> <div>9 FAX: (415) 541-9366</div> <div>10 Kfranklin@hansonbridgett.com</div> <div>11</div> <div>12 FOR DEFENDANTS, City of Palos Verdes Estates and Chief of</div> <div>13 Police Jeff Kepley:</div> <div>14</div> <div>15 KUTAK ROCK, LLP</div> <div>16 BY: ANTOINETTE P. HEWITT, Esq.</div> <div>17 5 Park Plaza</div> <div>18 Suite 1500</div> <div>19 Irvine, CA 92614</div> <div>20 TEL: (949) 417-0999</div> <div>21 FAX: (949) 417-5394</div> <div>22 Antoinette.hewitt@kutakrock.com</div> <div>23</div> <div>24 FOR DEFENDANT, Brant Blakeman:</div> <div>25</div> <div>26 VEATCH CARLSON, LLP</div> <div>27 BY: RICHARD P. DIEFFENBACH, Esq.</div> <div>28 1055 Wilshire Boulevard</div> <div>29 11th Floor</div> <div>30 Los Angeles, CA 90017</div> <div>31 TEL: (213) 381-2861</div> <div>32 FAX: (213) 383-6370</div> <div>33 Rdieffenbach@veatchfirm.com</div> <div>34</div> <div>35 BUCHALTER NEMER</div> <div>36 BY: ROBERT S. COOPER, Esq.</div> <div>37 1000 Wilshire Boulevard</div> <div>38 Suite 1500</div> <div>39 Los Angeles, CA 90017</div> <div>40 TEL: (213) 891-0700</div> <div>41 FAX: (213) 630-5609</div> <div>42 Rcooper@buchalter.com</div> <div>43</div> <div>44</div> <div>45</div> <div>Page 3</div>	<div>1 APPEARANCES OF COUNSEL (Continued):</div> <div>2 FOR DEFENDANT, Michael Ray Papayans:</div> <div>3 HAVEN LAW</div> <div>4 BY: PETER T. HAVEN, Esq.</div> <div>5 1230 Rosecrans Avenue</div> <div>6 Suite 300</div> <div>7 Manhattan Beach, CA 90266</div> <div>8 TEL: (213) 842-4617</div> <div>9 FAX: (213) 477-2137</div> <div>10 Peter@havenlaw.com</div> <div>11</div> <div>12 Also Present:</div> <div>13</div> <div>14 MARNIE LEVY, Videographer</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div> <div>Page 5</div>

1	I N D E X			1	and counsel may begin the examination.	09:14
2				2		09:14
3	EXAMINATIONS	PAGE		3	DIANA MILENA REED,	
4	BY MS. HEWITT	9		4	produced as a witness and having been first duly	
5				5	sworn by the Certified Shorthand Reporter, was	
6				6	examined and testified as follows:	
7	E X H I B I T S			7		
8				8	MS. HEWITT: Before we begin, may I have	09:14
9	Exhibit Description	PAGE		9	all counsel state their appearances on the record	09:14
10	Exhibit 50 notice of deposition	41		10	please, and I'll begin with myself.	09:14
11				11	Antoinette Hewitt from Kutak Rock for the	09:14
12				12	City of Palos Verdes Estates and Police	09:14
13	PREVIOUSLY MARKED EXHIBITS			13	Chief Kopley.	09:14
14				14	MR. HAVEN: Good morning, Peter Haven for	09:14
15	Exhibit Description	PAGE		15	defendant Michael Papayans.	09:14
16	Exhibit 41 complaint	97		16	MS. LUTZ: Good morning, Tera Lutz for	09:14
17				17	Defendant Sang Lee.	09:14
18				18	MR. CAREY: Good morning, Pat Carey for	09:14
19	WITNESS INSTRUCTED NOT TO ANSWER			19	defendant Alan Johnston.	09:14
20	(None)			20	MR. DIEFFENBACH: Richard Dieffenbach for	09:14
21				21	Brant Blakeman, defendant.	09:14
22				22	MR. CROWLEY: Daniel Crowley for Sang Lee.	09:14
23	INFORMATION REQUESTED			23	MR. FRANKLIN: Kurt Franklin on behalf of	09:14
24	(None)			24	Ms. Diana Milena Reed and the other plaintiffs in	09:14
25				25	this matter and the putative class.	09:15
			Page 6			Page 8
1	Monday, October 24, 2016, 9:12 a.m.			1	As a quick matter of housekeeping, just so	09:15
2	Santa Monica, California			2	I can get it out early, the plaintiffs will be	09:15
3		09:12		3	requesting under Rule 30 that they have the	09:15
4	THE VIDEOGRAPHER: Good morning. We are	09:12		4	opportunity to review the transcript under the	09:15
5	on the record at 9:12 a.m. on Monday, October 24,	09:12		5	federal rules.	09:15
6	2016. This is the video recorded deposition of	09:13		6	MS. HEWITT: Thank you.	09:15
7	Ms. Diana Milena Reed. My name is Marnie Levy,	09:13		7	On the phone?	09:15
8	certified legal video specialist here with our court	09:13		8	MR. FIELDS: Mark Fields for Angelo	09:15
9	reporter Jim Rodriguez. We are here from Veritext	09:13		9	Ferrara and NF.	09:15
10	Legal Solutions, and we are here representing the	09:13		10	MS. HEWITT: Anybody else on the phone?	09:15
11	defendants.	09:13		11	Thank you. And would you please mute the	09:15
12	This deposition is being held at 401	09:13		12	phone? Thank you.	09:15
13	Wilshire Boulevard, 12th floor, in Santa Monica,	09:13		13		09:15
14	California. The caption of this case is Cory	09:13		14	EXAMINATION	09:15
15	Spencer, et al., versus Lunada Bay Boys, case number	09:13		15	BY MS. HEWITT:	09:15
16	2:16-cv-02129-SJO-RAO.	09:13		16	Q Would you please state and spell your name	09:15
17	Please note that audio and video recording	09:13		17	for the record?	09:15
18	will take place unless all parties agree to go off	09:13		18	A My name is Diana Milena Reed. D-i-a-n-a.	09:15
19	the record. I am not related to any party in this	09:13		19	M-i-l-e-n-a. R-e-e-d.	09:15
20	action nor am I financially interested in the	09:13		20	Q Thank you. Have you ever had your	09:15
21	outcome in any way.	09:14		21	deposition taken before?	09:15
22	If there are any objections to proceeding,	09:14		22	A Yes, I have had a deposition taken before.	09:15
23	please state them at the time of your appearance	09:14		23	Q How many times?	09:15
24	beginning with the noticing attorney.	09:14		24	A One time.	09:15
25	Thank you, the witness will be sworn in	09:14		25	Q And was it in connection with a lawsuit?	09:15
			Page 7			Page 9

1	A	It was in connection with a lawsuit.	09:15	1	without disclosing any communications with your	09:18	
2	Q	Were you a party to that lawsuit, were you	09:15	2	attorney in that matter?	09:18	
3		either the defendant or the suing party in that	09:16	3	A	I do know that he has an attorney, yes.	09:18
4		matter?	09:16	4	Q	Do you know that attorney's name?	09:18
5	A	Yes.	09:16	5	A	I know the last name.	09:18
6	Q	My fault, which one were you?	09:16	6	Q	That would be great. If you can give me	09:18
7	A	I was the suing party.	09:16	7		that.	09:18
8	Q	What kind of case was that?	09:16	8	A	Fernandez.	09:18
9	A	It was a disability case.	09:16	9	Q	Do you know approximately how long ago	09:18
10	Q	How long ago was that deposition?	09:16	10		that divorce case was filed?	09:18
11	A	I don't remember the exact year, but it	09:16	11	A	I know that it's a multistep process and	09:18
12		was approximately -- about eight years ago or so.	09:16	12		it's a little bit confusing to me. But I think that	09:18
13	Q	All right. Where was that disability case	09:16	13		it was filed in March.	09:18
14		filed if you know?	09:16	14	Q	Okay. Thank you.	09:19
15	A	I don't know specifically where it was	09:16	15		All right. The -- sorry, are there any	09:19
16		filed, I know where the deposition was held.	09:16	16		other lawsuits or legal matters that you've been a	09:19
17	Q	Okay. Where was that?	09:16	17		party to?	09:19
18	A	In Tallahassee, Florida.	09:16	18	A	Not that I'm aware of, no.	09:19
19	Q	Was the disability case against an	09:16	19	Q	The oath you took here has the same force	09:19
20		employer?	09:16	20		and effect as if you took it in a court of law even	09:19
21	A	It was against the school.	09:16	21		thought we are in a fairly cramped conference room	09:19
22	Q	What school was that?	09:16	22		here, it carries with it the penalty of perjury as	09:19
23	A	Florida State University.	09:16	23		if you took it in a court of law.	09:19
24	Q	Thank you. Is that the only deposition	09:16	24		Do you understand that?	09:19
25		you've given?	09:17	25	A	Yes.	09:19
Page 10				Page 12			
1	A	Yes.	09:17	1	Q	You're already doing a great job of making	09:19
2	Q	Whether or not you gave a deposition, have	09:17	2		sure all your responses are verbal because as you	09:19
3		you ever been a party to any other lawsuit?	09:17	3		see, the court reporter is taking down everything we	09:19
4	A	I'm going through a divorce.	09:17	4		say in order to transcribe it into a transcript,	09:19
5	Q	Okay. Has that divorce been -- divorce	09:17	5		which later you'll have a chance to review.	09:19
6		petition been filed?	09:17	6		Because he's doing his best to take down	09:19
7	A	Yes.	09:17	7		everything we say, it's very important that you let	09:19
8	Q	Where was it filed?	09:17	8		me finish all my questions before you begin an	09:19
9	A	I know it was filed in Los Angeles, I	09:17	9		answer, and I'll make sure I let you complete all of	09:19
10		don't know the specifics.	09:17	10		your responses before I begin another question; is	09:19
11	Q	Okay. Do you have an attorney in that	09:17	11		that fair?	09:19
12		matter?	09:17	12	A	Yes.	09:19
13	A	Yes, I do.	09:17	13	Q	All right. You may hear your attorney	09:19
14	Q	Who's that attorney?	09:17	14		impose an objection or one of the other parties. If	09:19
15	A	Cary Goldstein.	09:17	15		you hear that start to happen, go ahead and pause a	09:20
16	Q	And from whom are you divorcing?	09:17	16		second so the objection can be made on the record,	09:20
17	A	I'm divorcing from Gabriel Reed.	09:17	17		and we'll go ahead and proceed with the questioning	09:20
18	Q	How long were you married to Gabriel Reed?	09:17	18		after that.	09:20
19	A	I was married for approximately two years.	09:17	19		If your attorney has instructed you not to	09:20
20	Q	Do you know where Gabriel Reed lives?	09:18	20		answer, that's a different matter. But if he's not	09:20
21	A	I don't know where he currently lives.	09:18	21		instructed you not to answer, then I'm entitled to	09:20
22	Q	Do you know if he lives in California?	09:18	22		an answer to the question; all right? Yes?	09:20
23	A	I do not.	09:18	23	A	Yes.	09:20
24	Q	Do you know if Gabriel Reed has an	09:18	24	Q	Okay. If you don't understand a question	09:20
25		attorney in that matter, if you can tell me that	09:18	25		I pose to you, feel free to ask me to restate or it	09:20
Page 11				Page 13			

<p>1 rephrase it; otherwise, I'll assume you understood 09:20</p> <p>2 the question; all right? 09:20</p> <p>3 A Okay. 09:20</p> <p>4 Q I always talk kind of fast so I won't be 09:20</p> <p>5 offended if you say, "I didn't quite catch that, can 09:20</p> <p>6 you repeat that"; okay? 09:20</p> <p>7 A All right. 09:20</p> <p>8 Q Today, I'll be asking you for some 09:20</p> <p>9 estimates of time, distance, and maybe other matters 09:20</p> <p>10 that will require you to provide an estimate to me. 09:20</p> <p>11 When I ask you for an estimate, I'll be asking for 09:20</p> <p>12 an estimate as opposed to a guess. 09:20</p> <p>13 Do you understand the difference between 09:20</p> <p>14 an estimate and a guess? 09:20</p> <p>15 A Can you explain the difference to me? 09:20</p> <p>16 Q Sure. 09:20</p> <p>17 The example is if I asked you to estimate 09:20</p> <p>18 the length of this table, you have it in front of 09:21</p> <p>19 you, you have breadth of information and experience 09:21</p> <p>20 in your lifetime that will allow you to say, Well, 09:21</p> <p>21 it's probably close to eight feet long. 09:21</p> <p>22 However, if I ask you to estimate the 09:21</p> <p>23 length of the dining room table in my house, that 09:21</p> <p>24 would be a pure guess because you've never been 09:21</p> <p>25 there, never seen it, you don't even know if I have 09:21</p> <p style="text-align: right;">Page 14</p>	<p>1 MS. HEWITT: That's right, I'm sorry, my 09:22</p> <p>2 fault. 09:22</p> <p>3 BY MS. HEWITT: 09:22</p> <p>4 Q Did you do anything in preparation for 09:22</p> <p>5 your deposition today? 09:22</p> <p>6 A Yes. 09:22</p> <p>7 Q Did you speak to your attorney? 09:22</p> <p>8 A Yes. 09:22</p> <p>9 Q Is that Mr. Franklin? 09:22</p> <p>10 A Yes. 09:22</p> <p>11 Q When did you speak to Mr. Franklin? 09:22</p> <p>12 A I spoke to Mr. Franklin on many occasions. 09:22</p> <p>13 Q Specifically in preparation for today, can 09:22</p> <p>14 you tell me how many times you met with 09:22</p> <p>15 Mr. Franklin? 09:22</p> <p>16 A I met with Mr. Franklin one time in 09:22</p> <p>17 person. 09:22</p> <p>18 Q When was that? 09:22</p> <p>19 A That was yesterday. 09:22</p> <p>20 Q How long did you meet with him? 09:22</p> <p>21 A I met with Mr. Franklin for approximately 09:22</p> <p>22 four hours or so. 09:22</p> <p>23 Q Where did you meet? 09:22</p> <p>24 A I met Mr. Franklin at -- in Torrance. 09:22</p> <p>25 Q Was Mr. Otten there? 09:22</p> <p style="text-align: right;">Page 16</p>
<p>1 a dining room table; all right, does that make 09:21</p> <p>2 sense? 09:21</p> <p>3 A Yes. 09:21</p> <p>4 Q What else? We will definitely be taking 09:21</p> <p>5 breaks, I usually take them every hour, but of 09:21</p> <p>6 course if you need one I've been there, I remember 09:21</p> <p>7 being 37 years old and being 39 weeks pregnant and 09:21</p> <p>8 sitting in weeks of depositions and I needed breaks. 09:21</p> <p>9 So feel free to ask me and I'll be happy to do that; 09:21</p> <p>10 all right? 09:21</p> <p>11 A Okay. 09:21</p> <p>12 Q Or if you need water or if you're not 09:21</p> <p>13 feeling well; okay? 09:21</p> <p>14 A All right. 09:21</p> <p>15 MR. FRANKLIN: Could you just get the name 09:21</p> <p>16 of counsel that came in. 09:21</p> <p>17 MS. HEWITT: Sure. 09:21</p> <p>18 And, Counsel, we'll be in a larger room 09:21</p> <p>19 tomorrow. 09:21</p> <p>20 MR. COOPER: I hope so, sorry I'm late. 09:21</p> <p>21 MS. HEWITT: Can you state your -- 09:21</p> <p>22 MR. COOPER: It's Robert Cooper on behalf 09:21</p> <p>23 of Defendant Brant Blakeman. 09:22</p> <p>24 MS. HEWITT: And can you state your -- 09:22</p> <p>25 MR. DIEFFENBACH: I did already. 09:22</p> <p style="text-align: right;">Page 15</p>	<p>1 A Yes. 09:23</p> <p>2 Q Were any other attorneys there? 09:23</p> <p>3 A No. 09:23</p> <p>4 Q Did you review any documents at the time? 09:23</p> <p>5 A Yes, I did. 09:23</p> <p>6 Q Did any of them refresh your recollection 09:23</p> <p>7 about any of the events in this matter? 09:23</p> <p>8 A Yes. 09:23</p> <p>9 Q Which documents were those? 09:23</p> <p>10 A I reviewed a letter from Mr. Otten to the 09:23</p> <p>11 police. I also reviewed a police report. And I 09:23</p> <p>12 believe those were the only two documents that I 09:23</p> <p>13 reviewed. 09:23</p> <p>14 Q Okay. As to the police report, do you 09:23</p> <p>15 remember what incident that pertained to? 09:23</p> <p>16 A Yes. It pertained to the incident on 09:23</p> <p>17 February 13th. 09:23</p> <p>18 Q Okay. Anything else that you can remember 09:24</p> <p>19 that you -- I'm sorry -- that you reviewed, that 09:24</p> <p>20 refreshed your recollection? 09:24</p> <p>21 A Yes, I did review other material as well. 09:24</p> <p>22 Q That refreshed your recollection? 09:24</p> <p>23 A Yes. 09:24</p> <p>24 Q What were the other materials that you 09:24</p> <p>25 reviewed? 09:24</p> <p style="text-align: right;">Page 17</p>

<p>1 A I also reviewed an audio recording. 09:24</p> <p>2 Q Okay. What else? 09:24</p> <p>3 A And I reviewed some photos that were part 09:24</p> <p>4 of the complaint. And I also, you know, reviewed 09:24</p> <p>5 the complaint as well, it's another document. 09:24</p> <p>6 Q Anything else? 09:24</p> <p>7 A That's all I can remember at this time. 09:24</p> <p>8 Q All right. The audio recording, what did 09:24</p> <p>9 that pertain to? 09:24</p> <p>10 A The audio recording pertained to a 09:24</p> <p>11 conversation that I had with Charlie Ferrara. 09:25</p> <p>12 Q Okay. Did you actually listen to the 09:25</p> <p>13 recording? 09:25</p> <p>14 A Yes, I did. 09:25</p> <p>15 Q Did you review a transcript of it as well? 09:25</p> <p>16 A I did not review a transcript of it. 09:25</p> <p>17 MR. FRANKLIN: I don't mean to interrupt, 09:25</p> <p>18 but probably most plaintiff's lawyers maybe don't do 09:25</p> <p>19 this, but these are the documents she reviewed. 09:25</p> <p>20 MS. HEWITT: That's nice. 09:25</p> <p>21 MR. FRANKLIN: Including a thumb drive of 09:25</p> <p>22 the audio and video. 09:25</p> <p>23 MS. HEWITT: Thank you, Mr. Franklin. 09:25</p> <p>24 This is -- Mr. Franklin has provided to us a Sandisk 09:25</p> <p>25 drive, it's red; as well as a stack of documents 09:25</p> <p style="text-align: right;">Page 18</p>	<p>1 Q Did you go back and review any interviews 09:27</p> <p>2 that you've given in this matter to any media? 09:27</p> <p>3 A I did not have the opportunity to do that. 09:27</p> <p>4 Q Do you have any documents at home that 09:27</p> <p>5 relate to this lawsuit? 09:27</p> <p>6 A I have a copy of the complaint from my 09:27</p> <p>7 attorney, and that's all I can recall at the moment. 09:27</p> <p>8 Q With regard to Mr. Wright, did you talk 09:28</p> <p>9 about anything about the deposition other than 09:28</p> <p>10 getting a ride to the deposition today? 09:28</p> <p>11 A We did not discuss what I would be talking 09:28</p> <p>12 about in the deposition, no. 09:28</p> <p>13 Q I will attach as A the Defendant's City of 09:28</p> <p>14 Palos Verdes Estates and Chief of Police Kepler's 09:28</p> <p>15 notice of deposition to Ms. -- Ms. Reed. 09:28</p> <p>16 Ms. Reed, will you please take a look at 09:28</p> <p>17 Exhibit A and let me know if you've seen that before 09:28</p> <p>18 today. I have an extra copy if anybody wants one. 09:28</p> <p>19 Do you think you've seen that before 09:28</p> <p>20 today? 09:30</p> <p>21 A The first page and second page I think 09:30</p> <p>22 I've seen before. 09:31</p> <p>23 Q Okay. What is your date of birth? 09:31</p> <p>24 A January 22, 1987. 09:31</p> <p>25 Q Okay. What is your current address? 09:31</p> <p style="text-align: right;">Page 20</p>
<p>1 that appear to be Bates stamped City 271 and then 09:25</p> <p>2 City 266, 267, 272. 09:25</p> <p>3 MR. FRANKLIN: Unfortunately, they're not 09:26</p> <p>4 in order, it's -- I tried to make sense of them last 09:26</p> <p>5 night also, but... 09:26</p> <p>6 MS. HEWITT: They appear to be generally 09:26</p> <p>7 Bates stamped, though, 266 through 296, and Palos 09:26</p> <p>8 Verdes Estates Police Department officer report as 09:26</p> <p>9 well as Mr. Otten's letter of March 10, 2016, to 09:26</p> <p>10 Police Chief Kepley. 09:26</p> <p>11 BY MS. HEWITT: 09:26</p> <p>12 Q All right. Did you speak to anybody else 09:26</p> <p>13 other than your attorneys with regard to your 09:26</p> <p>14 deposition today? 09:26</p> <p>15 A With regard to the deposition, meaning 09:27</p> <p>16 what? 09:27</p> <p>17 Q Did you talk about your deposition today 09:27</p> <p>18 with anybody else other than your attorneys? 09:27</p> <p>19 A I spoke to my boyfriend to get my a ride 09:27</p> <p>20 here. 09:27</p> <p>21 Q Who's your boyfriend? 09:27</p> <p>22 A Jordan Wright. 09:27</p> <p>23 Q How long has Mr. Wright been your 09:27</p> <p>24 boyfriend? 09:27</p> <p>25 A For approximately a year. 09:27</p> <p style="text-align: right;">Page 19</p>	<p>1 A I'm not sure of my current address, I'm 09:31</p> <p>2 staying in a temporary housing unit. 09:31</p> <p>3 Q Okay. Does that mean you're staying with 09:31</p> <p>4 other people or something that's actually called a 09:31</p> <p>5 temporary housing unit? 09:31</p> <p>6 A Yeah, no, I'm staying in a guest house. 09:31</p> <p>7 Q With whom are you staying? 09:31</p> <p>8 A With Jordan Wright. 09:31</p> <p>9 Q What's the address of Jordan Wright? 09:31</p> <p>10 A I don't know the address of the unit. 09:31</p> <p>11 Q What city is it in? 09:31</p> <p>12 A Topanga. 09:31</p> <p>13 Q Do you know what street it's on? 09:31</p> <p>14 A I know it's off of Topanga Canyon. 09:31</p> <p>15 Q Have you ever lived in Palos Verdes 09:31</p> <p>16 Estates? 09:31</p> <p>17 A I have not lived in Palos Verdes Estates, 09:31</p> <p>18 no. 09:32</p> <p>19 Q Have you ever lived in Malibu? 09:32</p> <p>20 A Yes, I have. 09:32</p> <p>21 Q How long did you live in Malibu? 09:32</p> <p>22 A I think I lived in Malibu for 09:32</p> <p>23 approximately three to four years. 09:32</p> <p>24 Q Before you lived in Topanga, did you live 09:32</p> <p>25 in Malibu? 09:32</p> <p style="text-align: right;">Page 21</p>

1	A	Yes, I did.	09:32	1	recent employment?	09:34
2	Q	Before you lived in Malibu, what city did	09:32	2	A	Prior to that, I was not working.
3		you live in?	09:32	3	Q	When was the last time you worked before
4	A	Before I lived in Malibu, I was living in	09:32	4		that?
5		Dallas, Texas.	09:32	5	A	I don't remember specifically when the
6	Q	Dallas, Texas. How long did you live in	09:32	6		last time was that I worked before that.
7		Dallas?	09:32	7	Q	Okay. Just to clarify, do you recall any
8	A	I lived in Dallas since I was about ten	09:32	8		other jobs you held prior to Robbie French Inc.?
9		years old.	09:32	9	A	I don't remember any paid jobs.
10	Q	What is the highest grade or education	09:32	10	Q	Did you have any unpaid jobs prior to
11		you've completed?	09:32	11		Robbie French Inc.?
12	A	I completed college.	09:32	12	A	I had internships for a college credit,
13	Q	Where did you complete college?	09:32	13		but nothing paid that I can recall.
14	A	At USC.	09:32	14	Q	Who was your -- if you had one, who was
15	Q	What degree did you get?	09:32	15		your supervisor at Robbie French Inc.?
16	A	Film production degree.	09:32	16	A	Robbie French.
17	Q	When did you receive that degree?	09:32	17	Q	How did you meet Robbie French?
18	A	I had my graduation ceremony in, I	09:32	18	A	I met her at a Starbucks in Redondo Beach.
19		believe, 2013.	09:33	19	Q	How did you get the job?
20	Q	All right. And was that a bachelor of	09:33	20	A	I interviewed with her.
21		arts or master's?	09:33	21	Q	What were you paid?
22	A	I think it was a bachelor of arts, yes.	09:33	22	A	I was paid approximately \$18 an hour.
23	Q	Have you had any other formal schooling	09:33	23	Q	Where was the surf camp that you were the
24		since then?	09:33	24		director of?
25	A	I have not had any formal schooling since	09:33	25	A	It was located in Santa Monica,
			Page 22			Page 24
1		then.	09:33	1	California.	09:36
2	Q	All right. Do you have any other	09:33	2	Q	Any particular part of Santa Monica, if
3		certifications or professional -- professional	09:33	3		you can -- can you tell me where the beach was
4		certifications or licenses?	09:33	4		generally?
5	A	I don't, no.	09:33	5	A	Yeah, I don't remember if it was parking
6	Q	Okay. Other than to Mr. Reed, have you	09:33	6		lot six or nine, but it was in that approximate
7		ever been married before?	09:33	7		area.
8	A	No.	09:33	8	Q	Other than any internships you held for
9	Q	All right. Do you have any children?	09:33	9		college credit, did you ever have any internships
10	A	I don't have any children that have been	09:33	10		since you got out of college?
11		born yet.	09:33	11	A	I have not, no.
12	Q	Are you employed?	09:33	12	Q	Have you ever worked for money at all
13	A	I'm not currently employed.	09:34	13		since -- between college and Robbie French and
14	Q	Who is your most recent employer?	09:34	14		perhaps some other way -- online work, or anything
15	A	My most recent employer was Robbie French	09:34	15		like that?
16		Incorporated.	09:34	16	A	Not from what I remember, no.
17	Q	What was your job there?	09:34	17	Q	Have you ever been convicted of a felony?
18	A	I was a surf camp director.	09:34	18	A	No, I have not.
19	Q	How long did you have that position there?	09:34	19	Q	I assumed not, but have you ever filed any
20	A	It was a summer position and I was	09:34	20		workers' compensation claims?
21		employed as a seasonal worker from approximately --	09:34	21	A	I have not.
22		I believe it was June through August.	09:34	22	Q	With regard to the disability suit that
23	Q	Of what year?	09:34	23		you were a part of in Tallahassee, can you tell me
24	A	Of 2016.	09:34	24		what condition that pertained to, medical condition?
25	Q	Okay. Prior to that, what was your most	09:34	25	A	Can you clarify the question?
			Page 23			Page 25

1	Q	Sure. Why did you file that suit?	09:37	1	A	After that year, I lived with my	09:40
2	A	I filed the suit because it was related to	09:37	2		ex-husband.	09:40
3		a back condition that I have.	09:37	3	Q	Did you move to California sometime after	09:40
4	Q	What is that back condition?	09:37	4		that year in Dallas?	09:40
5	A	I have scoliosis that's pretty severe.	09:38	5	A	I moved to California around 2012, I	09:40
6	Q	Why did you sue Florida State University?	09:38	6		believe.	09:40
7	A	I sued them because they failed to provide	09:38	7	Q	Where did you marry your soon to be	09:40
8		me accommodation for the disability.	09:38	8		ex-husband?	09:40
9	Q	Were you going to school there?	09:38	9	A	I married him in Las Vegas, Nevada.	09:40
10	A	Yes, I was.	09:38	10	Q	Where were you living when you got	09:40
11	Q	When did you go to school at Florida	09:38	11		married?	09:40
12		State?	09:38	12	A	When we got married, we were living in	09:40
13	A	I went to school at Florida State from	09:38	13		Malibu.	09:40
14		approximately 2005 to 2007.	09:38	14	Q	When did you first move to Malibu --	09:40
15	Q	Okay. When did you start up at USC?	09:38	15		sorry -- when did you first meet your ex-husband,	09:40
16	A	I believe I started USC around 2012.	09:38	16		soon-to-be ex-husband?	09:40
17	Q	Okay. What did you do between 2007 and	09:38	17	A	I first met him in Addison, Texas in	09:40
18		2012?	09:38	18		either the end of 2007 or beginning of 2008, I don't	09:40
19	A	What do you mean?	09:38	19		remember specifically.	09:40
20	Q	So you were in Florida; right? First let	09:38	20	Q	Okay. And at some point, did you and your	09:40
21		me ask you, how did your disability suit conclude?	09:39	21		soon-to-be ex-husband move to California?	09:41
22	A	When ended up settling the case.	09:39	22	A	We moved to California, yes.	09:41
23	Q	Did you continue to live in Florida after	09:39	23	Q	Was that in 2012?	09:41
24		that?	09:39	24	A	I believe so. It was around 2012, I might	09:41
25	A	I did not.	09:39	25		be off by a year but it was around that time period.	09:41
Page 26				Page 28			
1	Q	Did you move at some point?	09:39	1	Q	And you started school in -- at USC in	09:41
2	A	Yes.	09:39	2		2012; right?	09:41
3	Q	When did you move?	09:39	3	A	I believe so.	09:41
4	A	I was never a resident of Florida at any	09:39	4	Q	What did your ex-husband do, what's his	09:41
5		point during my college there.	09:39	5		employment if you know?	09:41
6	Q	You didn't live in Florida while you were	09:39	6	A	His employment is a concert promoter.	09:41
7		going to Florida State?	09:39	7	Q	All right. When did you first retain	09:41
8	A	I did, I did live there, but I went back	09:39	8		Mr. Otten and Mr. Franklin as your attorney in this	09:41
9		and forth between my parents' house and --	09:39	9		matter -- attorneys in this matter?	09:41
10	Q	Dallas?	09:39	10	A	I retained them in approximately, I	09:41
11	A	-- school.	09:39	11		believe, in either February or March.	09:41
12		Yes.	09:39	12	Q	Of this year?	09:41
13	Q	After you settled the disability case, did	09:39	13	A	Of 2016, yes.	09:41
14		you continue to go to school at Florida State?	09:39	14	Q	So you're saying you don't remember the	09:42
15	A	I did not.	09:39	15		exact date?	09:42
16	Q	Did you withdraw?	09:39	16	A	I don't remember the exact date, no.	09:42
17	A	Yes.	09:39	17	Q	Do you remember if there was some	09:42
18	Q	After that, did you go to live in Dallas	09:39	18		particular event that precipitated your retention of	09:42
19		with your parents?	09:39	19		Mr. Otten and Mr. Franklin?	09:42
20	A	Yes.	09:39	20	A	There was not a specific event, no.	09:42
21	Q	How long did you live in Dallas with your	09:39	21	Q	Do you recall if you retained Mr. Franklin	09:42
22		parents after 2007?	09:39	22		and Mr. Otten prior to the February 13th incident	09:42
23	A	I don't remember specifically how long.	09:39	23		that is reflected in the police reports that you	09:42
24		Probably about a year or so.	09:39	24		reviewed?	09:42
25	Q	And after that year, where did you live?	09:40	25	A	I don't recall specifically if I did. I	09:42
Page 27				Page 29			

1 don't think so. 09:42	1 MR. FRANKLIN: Misstates prior testimony. 09:44
2 Q So you think it was after that sometime? 09:42	2 THE WITNESS: That's not what I said. 09:44
3 A I think so, yeah, but I'm not 100 percent 09:42	3 BY MS. HEWITT: 09:44
4 sure. 09:42	4 Q Okay. I apologize. 09:44
5 Q Understood. 09:42	5 Do you have a copy of that retainer 09:44
6 And is it correct, though, that you 09:42	6 agreement at home? 09:44
7 retained -- at least Mr. Otten -- by March 10, 2016, 09:42	7 A By copy, do you mean printed copy or -- 09:44
8 when he wrote this letter on your behalf? 09:42	8 what copy? 09:44
9 A I would assume so, yes. 09:42	9 Q Do you have that at home at all either by 09:44
10 Q Do you have a fairly reasonable 09:42	10 e-mail or hard copy? 09:45
11 recollection in mind that you had retained him prior 09:42	11 A I would assume that I do. 09:45
12 to March 10th when he wrote this letter for you? 09:43	12 Q You assume -- are you sure? 09:45
13 A I don't know if it was prior to 09:43	13 MR. FRANKLIN: Argumentative. 09:45
14 March 10th. 09:43	14 THE WITNESS: I'm assuming that I have a 09:45
15 Q Okay. Do you know if you retained 09:43	15 copy because I did sign a retainer agreement with 09:45
16 Mr. Otten and Mr. Franklin at the same time? 09:43	16 them at one point. 09:45
17 A I believe that it was at the same time, 09:43	17 BY MS. HEWITT: 09:45
18 yes. 09:43	18 Q Okay. Had you ever -- let me ask you 09:45
19 Q And did you sign a retainer agreement with 09:43	19 this, I'm sorry -- when did you first meet 09:45
20 either or both attorneys? 09:43	20 Mr. Otten? 09:45
21 A I don't remember signing the document but 09:43	21 A I think that I first met Mr. Otten at his 09:45
22 I'm assuming that I must have signed it with both 09:43	22 office in Torrance. 09:45
23 attorneys. 09:43	23 Q Okay. Did you meet Mr. Otten at any time 09:45
24 Q Do you have a retainer agreement at home? 09:43	24 before retaining him as your attorney -- that's a 09:45
25 A I don't know. 09:43	25 bad question, withdraw that. 09:45
Page 30	Page 32
1 Q And do you have a specific recollection of 09:43	1 Had you ever met Mr. Otten before the date 09:45
2 receiving a retainer agreement? 09:43	2 that you actually retained him as your attorney? 09:45
3 A I remember vaguely going through the 09:43	3 MR. FRANKLIN: Vague and ambiguous. 09:46
4 process of retaining them but I don't remember 09:43	4 THE WITNESS: I don't remember. 09:46
5 specifically what I did detail by detail. 09:43	5 BY MS. HEWITT: 09:46
6 Q Okay. So is it correct then you don't 09:43	6 Q Okay. And what were the circumstances 09:46
7 have a specific recollection of executing a retainer 09:43	7 under which you first met Mr. Otten -- let me ask 09:46
8 agreement; is that fair? 09:44	8 you this: Did anybody introduce you to Mr. Otten? 09:46
9 A No. 09:44	9 A Yes. 09:46
10 MR. FRANKLIN: Misstates prior testimony. 09:44	10 Q Who was that? 09:46
11 BY MS. HEWITT: 09:44	11 A I was introduced to Mr. Otten by Jordan 09:46
12 Q How's that not correct? 09:44	12 Wright. 09:46
13 MR. FRANKLIN: Objection, argumentative, 09:44	13 Q Do you know how Jordan Wright knew 09:46
14 misstates prior testimony. 09:44	14 Mr. Otten? 09:46
15 THE WITNESS: I don't understand. 09:44	15 A Jordan Wright also met Mr. Otten for the 09:46
16 MR. FRANKLIN: Let me object. 09:44	16 first time and did not know him as well. 09:46
17 MS. HEWITT: So the record is clear. 09:44	17 Q Did Jordan ever tell you how -- I'm sorry, 09:46
18 Did you get that? Okay. 09:44	18 withdraw. 09:46
19 BY MS. HEWITT: 09:44	19 Do you mean that Mr. Wright and you both 09:46
20 Q I'm just trying to clarify. Do you have 09:44	20 met Mr. Otten for the first time on the same date? 09:46
21 any recollection of signing a retainer agreement 09:44	21 A Yes. 09:47
22 with your attorneys? 09:44	22 Q What were the circumstances that brought 09:47
23 A I do vaguely remember doing that, yes. 09:44	23 you to meet Mr. Otten that day? 09:47
24 Q And is it correct, though, that you don't 09:44	24 A We had been invited by Cory Spencer to 09:47
25 believe you have a copy of that at home? 09:44	25 meet with Mr. Otten. Jordan had been invited and I 09:47
Page 31	Page 33

<p>1 accompanied him. 09:47</p> <p>2 Q I think you said that was at Mr. Otten's 09:47</p> <p>3 office; is that right? 09:47</p> <p>4 A Yes. 09:47</p> <p>5 Q What was the purpose of that meeting? 09:47</p> <p>6 A The purpose of that meeting. 09:47</p> <p>7 MR. FRANKLIN: I'm going to object to the 09:47</p> <p>8 extent it calls for attorney-client privilege. If 09:47</p> <p>9 you can state the purpose for meeting with counsel. 09:47</p> <p>10 THE WITNESS: Right, the purpose of the 09:47</p> <p>11 meeting was something that I discussed between me 09:47</p> <p>12 and the attorneys. 09:47</p> <p>13 BY MS. HEWITT: 09:47</p> <p>14 Q Okay. What made you go and meet with 09:47</p> <p>15 Mr. Otten for the first time at his office in 09:47</p> <p>16 Torrance? 09:47</p> <p>17 A I don't remember specifically. 09:47</p> <p>18 Q What did Cory Spencer tell you with regard 09:47</p> <p>19 to getting you -- or inviting you, excuse me, to 09:48</p> <p>20 meet with Mr. Otten? 09:48</p> <p>21 A I don't remember if I spoke to Cory 09:48</p> <p>22 directly or if Jordan spoke to him. 09:48</p> <p>23 Q What did Jordan tell you Cory told him? 09:48</p> <p>24 A I don't remember; sorry. 09:48</p> <p>25 Q It's okay. 09:48</p> <p style="text-align: right;">Page 34</p>	<p>1 Mr. Otten? 09:49</p> <p>2 A Mr. Spencer was there. 09:49</p> <p>3 Q Any other people attended that meeting? 09:49</p> <p>4 A I don't recall anyone else there. 09:49</p> <p>5 Q How long did that meeting take place -- 09:49</p> <p>6 excuse me -- how long did that meeting last? 09:50</p> <p>7 A You know what, I don't remember 09:50</p> <p>8 specifically. I would assume, you know, between 30 09:50</p> <p>9 minutes to an hour. 09:50</p> <p>10 Q Did you retain Mr. Otten at that meeting? 09:50</p> <p>11 MR. FRANKLIN: Vague and ambiguous. 09:50</p> <p>12 THE WITNESS: I don't remember if I 09:50</p> <p>13 retained him at the meeting or after the meeting, 09:50</p> <p>14 I'm not sure. 09:50</p> <p>15 BY MS. HEWITT: 09:50</p> <p>16 Q Had you ever met anybody at either 09:50</p> <p>17 Mr. Franklin or Mr. Otten's office before the date 09:50</p> <p>18 of your first meeting with Mr. Otten and 09:50</p> <p>19 Mr. Franklin? 09:50</p> <p>20 A I had not met anyone in that office 09:50</p> <p>21 before, no. 09:50</p> <p>22 Q When did you first decide you wanted to 09:50</p> <p>23 file a lawsuit against the City of Palos Verdes 09:50</p> <p>24 Estates and Police Chief Kepley? 09:50</p> <p>25 MR. FRANKLIN: Objection to the extent it 09:50</p> <p style="text-align: right;">Page 36</p>
<p>1 Do you have any recollection of any reason 09:48</p> <p>2 in your mind why you wanted to go to that meeting? 09:48</p> <p>3 A I don't remember a specific reason. 09:48</p> <p>4 Q Before going to that meeting, had you 09:48</p> <p>5 heard that a lawsuit against the City was being 09:48</p> <p>6 discussed? 09:48</p> <p>7 A I don't know if I heard that before. 09:48</p> <p>8 Q Did you have any understanding that 09:48</p> <p>9 Mr. Spencer had already met Mr. Otten at the time he 09:49</p> <p>10 had invited you to meet Mr. Otten? 09:49</p> <p>11 A I don't recall having that understanding, 09:49</p> <p>12 no. 09:49</p> <p>13 Q When you first met Mr. Otten, had you met 09:49</p> <p>14 Mr. Franklin before? 09:49</p> <p>15 A I had not met Mr. Franklin before, no. 09:49</p> <p>16 Q And when you first met Mr. Otten, was 09:49</p> <p>17 Mr. Franklin there? 09:49</p> <p>18 A Mr. Franklin was not there in person. 09:49</p> <p>19 Q When did you -- was he there by phone? 09:49</p> <p>20 A Yes. 09:49</p> <p>21 Q What other attorneys if you know were at 09:49</p> <p>22 the meeting? 09:49</p> <p>23 A I only know of Mr. Otten and Mr. Franklin. 09:49</p> <p>24 Q Okay. Besides yourself and Mr. Wright, 09:49</p> <p>25 did Mr. Spencer actually attend that meeting with 09:49</p> <p style="text-align: right;">Page 35</p>	<p>1 calls attorney-client privilege. 09:50</p> <p>2 THE WITNESS: That's something I discussed 09:50</p> <p>3 with my attorneys and we decided the best course of 09:50</p> <p>4 action for that. 09:50</p> <p>5 BY MS. HEWITT: 09:50</p> <p>6 Q Had you thought about filing a lawsuit 09:50</p> <p>7 before you ever met Mr. Otten? 09:51</p> <p>8 A I don't recall right now if I did or I 09:51</p> <p>9 didn't. 09:51</p> <p>10 Q When you first spoke with -- not first 09:51</p> <p>11 spoke, withdraw. 09:51</p> <p>12 When Mr. Spencer invited you to meet with 09:51</p> <p>13 Mr. Otten, did he say anything about a lawsuit in 09:51</p> <p>14 that conversation? 09:51</p> <p>15 A I don't remember. 09:51</p> <p>16 Q Had Mr. Spencer told you that he had heard 09:51</p> <p>17 from other sources that some entities were thinking 09:51</p> <p>18 of filing a lawsuit against the City? 09:51</p> <p>19 A I don't remember much of that 09:51</p> <p>20 conversation. 09:51</p> <p>21 Q What do you remember about that 09:51</p> <p>22 conversation? 09:51</p> <p>23 MR. FRANKLIN: To the extent it happened 09:51</p> <p>24 at the office with Mr. Otten, I'll instruct you not 09:51</p> <p>25 to answer. 09:51</p> <p style="text-align: right;">Page 37</p>

<p>1 If you recall a conversation with 09:51</p> <p>2 Mr. Spencer separately prior to that meeting, you 09:51</p> <p>3 can talk about that. 09:51</p> <p>4 THE WITNESS: Yeah, I don't recall a 09:51</p> <p>5 conversation with Mr. Spencer prior to that meeting. 09:52</p> <p>6 BY MS. HEWITT: 09:52</p> <p>7 Q Okay. All right. Fair enough. 09:52</p> <p>8 Because -- right. 09:52</p> <p>9 Mr. Jordan, I think you said, was the one 09:52</p> <p>10 who actually talked to Mr. Spencer; is that right? 09:52</p> <p>11 A I know that they did speak together, yes. 09:52</p> <p>12 Q Then Jordan was -- was Jordan the one that 09:52</p> <p>13 then told you about the invitation to this meeting 09:52</p> <p>14 with Mr. Otten? 09:52</p> <p>15 A I know that Jordan and I discussed it. I 09:52</p> <p>16 don't remember specifically, you know, what we 09:52</p> <p>17 discussed. I don't remember, you know, too many 09:52</p> <p>18 details, the specifics of that event right now. 09:52</p> <p>19 Q All right. Do you remember anything -- I 09:52</p> <p>20 understand you don't recollect any specific details, 09:52</p> <p>21 but do you remember any general topics in that 09:52</p> <p>22 conversation with Jordan? 09:52</p> <p>23 MR. FRANKLIN: Again, it would have to be 09:52</p> <p>24 a conversation prior to that meeting. 09:52</p> <p>25 MS. HEWITT: Prior to the meeting, yes. 09:52</p> <p style="text-align: right;">Page 38</p>	<p>1 Q I was just making sure I got all the 09:53</p> <p>2 details there. 09:54</p> <p>3 Is it correct that you met Mr. Spencer at 09:54</p> <p>4 least twice before your meeting with Mr. Otten? 09:54</p> <p>5 MR. FRANKLIN: Misstates prior testimony. 09:54</p> <p>6 THE WITNESS: I'm not sure if that's 09:54</p> <p>7 correct. 09:54</p> <p>8 BY MS. HEWITT: 09:54</p> <p>9 Q Did you meet him in January at Lunada Bay? 09:54</p> <p>10 A I believe that I did meet him at some 09:54</p> <p>11 point in January, yes. 09:54</p> <p>12 Q And did you meet him in February as well 09:54</p> <p>13 in Lunada Bay? 09:54</p> <p>14 A I don't know if I met him again in 09:54</p> <p>15 February, I may have. 09:54</p> <p>16 Q Do you have any recollection of him being 09:54</p> <p>17 there on the date of the February 13th incident? 09:54</p> <p>18 A I remember that he wasn't down there with 09:54</p> <p>19 me while the incident happened. 09:54</p> <p>20 Q All right. Do you have an understanding 09:54</p> <p>21 that you're a class representative in this matter; 09:54</p> <p>22 is that right? 09:55</p> <p>23 A Yes. 09:55</p> <p>24 THE WITNESS: Before you ask me the next 09:55</p> <p>25 question, can I take a bathroom break please? 09:55</p> <p style="text-align: right;">Page 40</p>
<p>1 THE WITNESS: I don't think we had a 09:52</p> <p>2 conversation, you know, prior to the meeting about 09:52</p> <p>3 what was going to happen in the meeting, no. 09:53</p> <p>4 BY MS. HEWITT: 09:53</p> <p>5 Q All right. Did Jordan say anything to you 09:53</p> <p>6 to make you want to attend this meeting with 09:53</p> <p>7 Mr. Otten? 09:53</p> <p>8 A Not that I recall. 09:53</p> <p>9 Q All right. Did you know at all before 09:53</p> <p>10 going to the actual meeting with Mr. Otten, before 09:53</p> <p>11 you got there, did you have any idea that any legal 09:53</p> <p>12 action was going to be contemplated? 09:53</p> <p>13 A I don't remember. 09:53</p> <p>14 Q Did Jordan ever say anything to you before 09:53</p> <p>15 that meeting with Mr. Otten, ever, about possibly 09:53</p> <p>16 filing a lawsuit against the City? 09:53</p> <p>17 A Jordan never told me that he wanted to 09:53</p> <p>18 file a lawsuit, no. 09:53</p> <p>19 Q Did Cory Spencer prior to the meeting with 09:53</p> <p>20 Mr. Otten ever tell you he wanted to file a lawsuit 09:53</p> <p>21 against the City? 09:53</p> <p>22 A I don't recall speaking to Cory directly 09:53</p> <p>23 about that. 09:53</p> <p>24 Q How about indirectly? 09:53</p> <p>25 A How would I speak to him indirectly? 09:53</p> <p style="text-align: right;">Page 39</p>	<p>1 1 MS. HEWITT: Of course, let's go off the 09:55</p> <p>2 2 record. 09:55</p> <p>3 3 THE VIDEOGRAPHER: This concludes video 09:55</p> <p>4 4 file one and we're off the record at 9:55 and we're 09:55</p> <p>5 5 clear, thank you. 09:55</p> <p>6 6 (Break taken.) 09:55</p> <p>7 7 THE VIDEOGRAPHER: This commences video 10:04</p> <p>8 8 10:04 8 file two, we're on the record at</p> <p>9 10:04</p> <p>9 9 MS. HEWITT: First and foremost, I'm going 10:04</p> <p>10 10 to remark the notice of deposition as Exhibit 51 -- 10:04</p> <p>11 11 or 50 -- 50, right? 10:05</p> <p>12 12 MR. CROWLEY: I thought -- 10:05</p> <p>13 13 MR. CAREY: I thought you said 41. 10:05</p> <p>14 14 MR. HAVEN: No, we left off around 10:05</p> <p>15 15 Exhibit 43 with Mr. Spencer, so if you want to play 10:05</p> <p>16 16 it safe and call it 50. 10:05</p> <p>17 17 MS. HEWITT: All right. Let's call it 10:05</p> <p>18 18 Exhibit 50, thank you. 10:05</p> <p>19 19 (Deposition Exhibit 50, notice of 10:05</p> <p>20 20 deposition, was marked for 10:05</p> <p>21 21 identification.) 10:05</p> <p>22 22 BY MS. HEWITT: 10:05</p> <p>23 23 Q All right. Do you have an agreement with 10:05</p> <p>24 24 your attorneys that you'll receive some sort of 10:05</p> <p>25 25 incentive payment in this matter? 10:05</p> <p style="text-align: right;">Page 41</p>

1	A	No, I do not.	10:05
2	Q	As a class representative, do you believe	10:05
3		that you have an obligation to supervise your	10:05
4		attorneys?	10:05
5	A	Yes, I do.	10:05
6	Q	Have you been doing that?	10:05
7	A	Yes, I have.	10:05
8	Q	How have you done that?	10:05
9	A	I have been involved in --	10:05
10		MR. FRANKLIN: Before --	10:05
11		THE WITNESS: -- various discussions.	10:05
12		MR. FRANKLIN: Before you respond, you can	10:05
13		generally -- I'm going to object to the extent it	10:05
14		calls for attorney-client privilege. The actual	10:05
15		instruction you give us you cannot -- I'm going to	10:05
16		instruct you not to answer to that. But in terms of	10:06
17		questions about when you communicate with us and	10:06
18		that type of thing you can, or how.	10:06
19		THE WITNESS: Right, well, I've been	10:06
20		communicating on a regular basis and monitoring	10:06
21		pretty much all the activity on the case, so I've	10:06
22		been trying to be as actively involved as possible.	10:06
23		BY MS. HEWITT:	10:06
24	Q	Okay. How often do you talk with your	10:06
25		attorneys?	10:06
Page 42			
1	A	I talk with my attorneys on an as-needed	10:06
2		basis.	10:06
3	Q	Up till now, has that been more than once	10:06
4		a month?	10:06
5	A	It's usually more than once a month.	10:06
6	Q	Okay. Three times a month?	10:06
7	A	It's hard for me to give you a specific	10:06
8		answer because as I said it's on an as-needed basis.	10:06
9	Q	Now -- let's see, I think we established	10:06
10		that you retained them in either February or March	10:06
11		of -- 2013 -- 2016, sorry. We're in October now, so	10:06
12		over the course of those five months or so, let's	10:06
13		work backwards.	10:07
14		So in -- in this month, approximately how	10:07
15		many times have you communicated with your	10:07
16		attorneys?	10:07
17	A	In October?	10:07
18	Q	Yes, ma'am.	10:07
19	A	I don't remember the specific amount of	10:07
20		time, or specific amount I mean that I've spoken to	10:07
21		them, but I mean it was a multitude of occasions.	10:07
22	Q	More than two?	10:07
23	A	Yes.	10:07
24	Q	More than three?	10:07
25	A	Yes.	10:07
Page 43			
1	Q	Five?	10:07
2	A	I think more than that.	10:07
3	Q	How about in September, do you remember	10:07
4		approximately how many times you spoke to them in	10:07
5		September?	10:07
6	A	I don't remember, you know, specifically	10:07
7		in September. I know that I communicate with them	10:07
8		on an as-needed basis but how many times	10:07
9		specifically in the month of September is hard for	10:07
10		me to say.	10:07
11	Q	Do you think you did at least once in	10:07
12		September?	10:07
13	A	Yes.	10:07
14	Q	At least twice?	10:07
15	A	I would assume it's usually about at least	10:07
16		three times a month or so at least.	10:08
17	Q	Would that be the same for August?	10:08
18		MR. FRANKLIN: It lacks foundation,	10:08
19		misstates prior testimony.	10:08
20		You can answer.	10:08
21		THE WITNESS: You know, I don't know, it's	10:08
22		hard for me to speculate, I just don't remember.	10:08
23		BY MS. HEWITT:	10:08
24	Q	When you do communicate with your	10:08
25		attorneys, can you tell me by what means, person,	10:08
Page 44			
1		phone, e-mail?	10:08
2	A	I communicate by all three of those.	10:08
3	Q	Okay. And it's usually one particular	10:08
4		attorney at any given time or more than one attorney	10:08
5		at any given time?	10:08
6	A	What do you mean by if there's more than	10:08
7		one attorney?	10:08
8	Q	Is it usually Mr. Otten and Mr. Franklin	10:08
9		that you're communicating with or is it one or the	10:08
10		other?	10:08
11	A	Are you asking -- I'm sorry -- I'm	10:08
12		confused what you're asking.	10:08
13	Q	Probably a bad question.	10:08
14		When you communicate with your attorneys	10:08
15		about this case in the course of supervising your	10:08
16		attorneys, is it Mr. Otten and Mr. Franklin that	10:08
17		you're communicating with at any given time?	10:09
18	A	Yes, I communicate with both of them.	10:09
19	Q	Both of them, okay.	10:09
20		Is it ever just one of them?	10:09
21	A	Occasionally, yes.	10:09
22	Q	Do you communicate with anybody else from	10:09
23		either office, so for instance, any of	10:09
24		Mr. Franklin's colleagues at his office?	10:09
25	A	I don't believe that I communicate with	10:09
Page 45			

<p>1 them directly, but I think that they're usually -- 10:09</p> <p>2 they're usually on the e-mails, I think. 10:09</p> <p>3 Q Okay. Did you review the complaint before 10:09</p> <p>4 the attorneys filed it in court on your behalf? 10:09</p> <p>5 A Yes, I did review the complaint. 10:09</p> <p>6 Q About how much time did you spend 10:09</p> <p>7 reviewing the complaint before it was filed? 10:09</p> <p>8 A I spent four or more hours on a few 10:09</p> <p>9 occasions reviewing it. 10:09</p> <p>10 Q Before it was filed? 10:09</p> <p>11 A Yes. 10:09</p> <p>12 Q In the course of reviewing it, did you 10:09</p> <p>13 have in your mind any suggestions for the complaint, 10:10</p> <p>14 whether or not you made them, I just want to know in 10:10</p> <p>15 your mind did you have any suggestions for the 10:10</p> <p>16 complaint? 10:10</p> <p>17 MR. FRANKLIN: I object to the extent it 10:10</p> <p>18 calls for attorney-client privilege if you had 10:10</p> <p>19 suggestions I'm going to instruct you not to answer. 10:10</p> <p>20 Whether you provided input, that's fine. 10:10</p> <p>21 BY MS. HEWITT: 10:10</p> <p>22 Q Did you provide input on the complaint? 10:10</p> <p>23 A I did. 10:10</p> <p>24 Q Okay. How much time did you spend 10:10</p> <p>25 preparing for the deposition today? I forgot to ask 10:10</p> <p style="text-align: right;">Page 46</p>	<p>1 BY MS. HEWITT: 10:11</p> <p>2 Q What do you mean on an as-needed basis? 10:11</p> <p>3 A It just depends what's going on with the 10:11</p> <p>4 case. 10:11</p> <p>5 Q Does that include reviewing any filings 10:12</p> <p>6 that are made on your behalf? 10:12</p> <p>7 A What do you mean by that? 10:12</p> <p>8 Q Have you reviewed any filings that were 10:12</p> <p>9 made on your behalf in this matter? 10:12</p> <p>10 A What do you mean by filings? 10:12</p> <p>11 Q Anything that was filed in court. 10:12</p> <p>12 MR. FRANKLIN: Vague and ambiguous. 10:12</p> <p>13 THE WITNESS: I don't understand exactly 10:12</p> <p>14 what you're asking me. 10:12</p> <p>15 BY MS. HEWITT: 10:12</p> <p>16 Q Okay. Do you have any understanding of 10:12</p> <p>17 the filings that have been made in court on your 10:12</p> <p>18 behalf up to this point? 10:12</p> <p>19 MR. FRANKLIN: Vague and ambiguous. 10:12</p> <p>20 THE WITNESS: What do you mean by on my 10:12</p> <p>21 behalf? 10:12</p> <p>22 BY MS. HEWITT: 10:12</p> <p>23 Q Well, for instance, you said you reviewed 10:12</p> <p>24 the complaint. 10:12</p> <p>25 Do you have an understanding that the 10:12</p> <p style="text-align: right;">Page 48</p>
<p>1 you. 10:10</p> <p>2 MR. FRANKLIN: Asked and answered. 10:10</p> <p>3 BY MS. HEWITT: 10:10</p> <p>4 Q How much total time? 10:10</p> <p>5 A It's hard for me to say how much total 10:10</p> <p>6 time overall. We met on the phone and in person, 10:10</p> <p>7 and I reviewed some documents as well. 10:10</p> <p>8 Q All right. Now, in general, how much time 10:11</p> <p>9 do you expect to spend on this case? 10:11</p> <p>10 A However long it takes. 10:11</p> <p>11 Q Did you have any expectation in your mind 10:11</p> <p>12 as to how much that would be? 10:11</p> <p>13 A Just however long it takes, I'm willing to 10:11</p> <p>14 put that time. 10:11</p> <p>15 Q Do you have an understanding that there's 10:11</p> <p>16 some sort of minimum amount of time that you need to 10:11</p> <p>17 spend on the case? 10:11</p> <p>18 A As I said, I'm willing to do whatever it 10:11</p> <p>19 takes and, you know, what the case demands of me. 10:11</p> <p>20 Q On an average up to this point in any 10:11</p> <p>21 given month, can you estimate for me how much time 10:11</p> <p>22 you've spent on this case as a class representative? 10:11</p> <p>23 MR. FRANKLIN: Vague and ambiguous. 10:11</p> <p>24 THE WITNESS: That's very hard for me to 10:11</p> <p>25 do because it's on an as-needed basis. 10:11</p> <p style="text-align: right;">Page 47</p>	<p>1 complaint has been filed on your behalf? 10:12</p> <p>2 A I have an understanding that the complaint 10:12</p> <p>3 was filed on behalf of the class. 10:12</p> <p>4 Q Do you have an understanding it was filed 10:12</p> <p>5 on your behalf as well? 10:12</p> <p>6 MR. FRANKLIN: Document speaks for itself. 10:12</p> <p>7 THE WITNESS: I have an understanding that 10:12</p> <p>8 I represent the class. 10:12</p> <p>9 BY MS. HEWITT: 10:12</p> <p>10 Q Do you also have an understanding, though, 10:13</p> <p>11 that the complaint was filed on your behalf? 10:13</p> <p>12 MR. FRANKLIN: Document speaks for itself, 10:13</p> <p>13 argumentative, asked and answered. 10:13</p> <p>14 BY MS. HEWITT: 10:13</p> <p>15 Q Meaning you specifically. 10:13</p> <p>16 A I know that I represent the class and that 10:13</p> <p>17 that's what the document was filed on behalf of, I'm 10:13</p> <p>18 part of it. 10:13</p> <p>19 MR. COOPER: Move to strike to the extent 10:13</p> <p>20 it's nonresponsive to the question. 10:13</p> <p>21 MS. HEWITT: Join. 10:13</p> <p>22 BY MS. HEWITT: 10:13</p> <p>23 Q Let's put that aside for a second, we'll 10:13</p> <p>24 loop back to that. 10:13</p> <p>25 Okay. You understand that the -- 10:13</p> <p style="text-align: right;">Page 49</p>

<p>1 MR. FRANKLIN: Just if I can, so -- is 10:13</p> <p>2 this the attorney for -- you represent Mr. Blakeman? 10:13</p> <p>3 MR. COOPER: I do. 10:13</p> <p>4 MR. FRANKLIN: We'll have one attorney, so 10:13</p> <p>5 you're going to be the attorney that objects. You 10:13</p> <p>6 have another person, counsel here, so you get one 10:13</p> <p>7 attorney at a deposition, you don't get two. 10:13</p> <p>8 MR. COOPER: Did he say something just 10:13</p> <p>9 now? 10:14</p> <p>10 MR. FRANKLIN: No, I'm just -- I was 10:14</p> <p>11 surprised because at the last deposition there 10:14</p> <p>12 was -- you're cumis counsel I understand. At the 10:14</p> <p>13 last deposition, the panel counsel was objecting. I 10:14</p> <p>14 don't care who, just tell me who. 10:14</p> <p>15 MR. COOPER: We're not going to enter into 10:14</p> <p>16 a case decision as to who objects at a given 10:14</p> <p>17 deposition. But I will agree that only one of us 10:14</p> <p>18 will at a particular proceeding. 10:14</p> <p>19 MR. FRANKLIN: That's fair, that's all I'm 10:14</p> <p>20 asking, so that -- thank you. 10:14</p> <p>21 MR. COOPER: That's fine. 10:14</p> <p>22 BY MS. HEWITT: 10:14</p> <p>23 Q Ms. Reed, other than the complaint, do you 10:14</p> <p>24 have knowledge of any other filings that were made 10:14</p> <p>25 either on your behalf or on behalf of the class in 10:14</p> <p style="text-align: right;">Page 50</p>	<p>1 MR. FRANKLIN: Objection, vague and 10:15</p> <p>2 ambiguous, calls for legal conclusion. 10:15</p> <p>3 THE WITNESS: It's hard for me to 10:15</p> <p>4 speculate since I'm not a lawyer. I did read the 10:15</p> <p>5 complaint and I understand the complaint. 10:15</p> <p>6 BY MS. HEWITT: 10:15</p> <p>7 Q Okay. Do you understand -- do you have an 10:15</p> <p>8 understanding rather that some allegations were 10:16</p> <p>9 against some defendants and some allegations were 10:16</p> <p>10 against other defendants? 10:16</p> <p>11 MR. FRANKLIN: Objection, the document 10:16</p> <p>12 speaks for itself. 10:16</p> <p>13 THE WITNESS: Yes, I do understand that. 10:16</p> <p>14 BY MS. HEWITT: 10:16</p> <p>15 Q Okay. As to the City, do you know what 10:16</p> <p>16 claims you brought against the City? 10:16</p> <p>17 A Yes, I do. 10:16</p> <p>18 Q Great. What are those? 10:16</p> <p>19 A I know that we're requiring that the City 10:16</p> <p>20 provide safe public access to Lunada Bay. 10:16</p> <p>21 Q Anything else? 10:16</p> <p>22 A That's the summary of their claims -- 10:16</p> <p>23 Q Sorry I didn't mean to cut you off, go 10:16</p> <p>24 ahead. 10:16</p> <p>25 A No, I was finished. 10:16</p> <p style="text-align: right;">Page 52</p>
<p>1 this matter? 10:14</p> <p>2 A Other than the complaint? 10:14</p> <p>3 Q Yes, ma'am. 10:14</p> <p>4 A I mean, I just know of the complaint 10:14</p> <p>5 and -- filings in court you mean? I'm a little bit 10:14</p> <p>6 confused. 10:14</p> <p>7 Q Yes, filings in court. 10:14</p> <p>8 A To the best of my knowledge, all that I'm 10:14</p> <p>9 aware of are the complaint filings in court. 10:15</p> <p>10 Q Okay. What is your understanding -- let 10:15</p> <p>11 me just ask you: What is your understanding of the 10:15</p> <p>12 causes of action that are filed against the City and 10:15</p> <p>13 Chief Kepley, and I'll start with the City first 10:15</p> <p>14 actually? 10:15</p> <p>15 MR. FRANKLIN: Objection, calls for legal 10:15</p> <p>16 conclusion. 10:15</p> <p>17 THE WITNESS: I'm having trouble 10:15</p> <p>18 understanding what you're asking me in that question 10:15</p> <p>19 exactly. 10:15</p> <p>20 BY MS. HEWITT: 10:15</p> <p>21 Q You reviewed the complaint; right? 10:15</p> <p>22 A Yes. 10:15</p> <p>23 Q In reviewing the complaint, were you able 10:15</p> <p>24 to observe the way that the allegations are made 10:15</p> <p>25 against certain defendants in this matter? 10:15</p> <p style="text-align: right;">Page 51</p>	<p>1 Q Do you recall reviewing the complaint 10:16</p> <p>2 certain types of causes of actions or claims were 10:16</p> <p>3 against certain defendants? 10:16</p> <p>4 MR. FRANKLIN: Objection, to the extent it 10:16</p> <p>5 calls for legal conclusion. 10:16</p> <p>6 THE WITNESS: What specifically are you 10:16</p> <p>7 referring to? 10:16</p> <p>8 BY MS. HEWITT: 10:16</p> <p>9 Q The complaint. 10:16</p> <p>10 MR. FRANKLIN: Same objection. 10:16</p> <p>11 THE WITNESS: I just don't understand the 10:16</p> <p>12 question. 10:17</p> <p>13 BY MS. HEWITT: 10:17</p> <p>14 Q All right. Let me ask you this: Going 10:17</p> <p>15 from the complaint to currently now, do you have an 10:17</p> <p>16 understanding as to whether or not all the claims 10:17</p> <p>17 that were made against the City are still viable? 10:17</p> <p>18 MR. FRANKLIN: Objection, to the extent it 10:17</p> <p>19 calls for attorney-client privilege, to the extent 10:17</p> <p>20 you learned it from us, I'll instruct you not to 10:17</p> <p>21 answer. 10:17</p> <p>22 THE WITNESS: Okay. 10:17</p> <p>23 BY MS. HEWITT: 10:17</p> <p>24 Q Can you -- are you able to answer that 10:17</p> <p>25 without referring to any attorney-client privileged 10:17</p> <p style="text-align: right;">Page 53</p>

1 communications? 10:17	1 an as-needed basis, and there was -- what else do 10:19
2 A No, it would be difficult. 10:17	2 you do in order to supervise your attorneys in this 10:19
3 Q Have you reviewed any media coverage of 10:17	3 matter? 10:19
4 the in-court motion hearings that took place in this 10:17	4 MR. FRANKLIN: Objection, to the extent it 10:19
5 matter? 10:17	5 calls for communication with your counsel, your 10:19
6 MR. FRANKLIN: Vague and ambiguous. 10:17	6 specific instruction to us, I ask you not to answer, 10:19
7 THE WITNESS: I don't know if I reviewed 10:17	7 I instruct you not to answer. 10:20
8 that. 10:17	8 THE WITNESS: I'm not able to answer that 10:20
9 BY MS. HEWITT: 10:17	9 question. 10:20
10 Q Do you recall reviewing any news articles 10:17	10 BY MS. HEWITT: 10:20
11 about any challenges to the pleadings, meaning the 10:18	11 Q So aside from any instructions you give to 10:20
12 complaint, that were made by any of the defendants 10:18	12 your counsel, what did you do besides that and 10:20
13 in this matter? 10:18	13 besides communicating with your counsel on an 10:20
14 MR. FRANKLIN: Vague and ambiguous. 10:18	14 as-needed basis in order to supervise your counsel 10:20
15 THE WITNESS: I don't know. 10:18	15 in this matter? 10:20
16 BY MS. HEWITT: 10:18	16 MR. FRANKLIN: Vague and ambiguous. 10:20
17 Q Without referring to any attorney-client 10:18	17 THE WITNESS: I've already answered what I 10:20
18 privileged information, do you know whether or not 10:18	18 do. 10:20
19 any of the defendants has successively moved to 10:18	19 BY MS. HEWITT: 10:20
20 dismiss any of the cause of actions in your 10:18	20 Q Okay. So you communicate with your 10:20
21 complaint? 10:18	21 counsel on an as-needed basis? 10:20
22 MR. FRANKLIN: Objection, to the extent it 10:18	22 A Hmm-mm. 10:20
23 calls for attorney-client privilege, to the extent 10:18	23 Q And aside from any instruction you may or 10:20
24 you learned about any motion work from us I instruct 10:18	24 may not give to your counsel, is it correct there's 10:20
25 you not to answer. 10:18	25 nothing else? 10:20
Page 54	Page 56
1 BY MS. HEWITT: 10:18	1 MR. FRANKLIN: Objection, argumentative, 10:20
2 Q So exactly -- that's what I asked exactly, 10:18	2 misstates prior testimony. 10:20
3 is without referring to any attorney-client 10:18	3 THE WITNESS: I don't think I said that. 10:20
4 privileged communications, do you have any 10:18	4 BY MS. HEWITT: 10:20
5 understanding as to whether or not any of the causes 10:18	5 Q Okay. My fault. 10:20
6 of action in the complaint that was brought on your 10:18	6 Is there anything else other than -- let's 10:20
7 behalf were dismissed? 10:18	7 put aside this, so take that part -- you communicate 10:20
8 MR. FRANKLIN: Same objection. 10:18	8 with your counsel on an as-needed basis? 10:20
9 THE WITNESS: Yeah, I can't really answer 10:18	9 A Yes. 10:20
10 that because it's something I discussed with my 10:18	10 Q Taking aside anything that has to do with 10:20
11 attorneys. 10:18	11 communicating with your counsel at all, is there 10:20
12 BY MS. HEWITT: 10:18	12 anything else you do in order to supervise your 10:20
13 Q Okay. So aside from communications with 10:18	13 counsel? 10:20
14 your attorney, is it fair to say that you don't know 10:18	14 MR. FRANKLIN: Vague and ambiguous, calls 10:21
15 right now whether or not any of the causes of action 10:19	15 for attorney-client privilege. 10:21
16 of the complaint were dismissed as to the City and 10:19	16 THE WITNESS: Yeah, I mean, I communicate 10:21
17 Chief Kepley? 10:19	17 with my counsel as much as necessary to do what we 10:21
18 MR. FRANKLIN: Objection to the extent it 10:19	18 have to do. 10:21
19 calls for attorney-client privilege. 10:19	19 BY MS. HEWITT: 10:21
20 THE WITNESS: I can't answer that without 10:19	20 Q Right. We have that part right now. 10:21
21 disclosing what I discussed with my attorneys. 10:19	21 We're putting that aside for now. 10:21
22 BY MS. HEWITT: 10:19	22 Other than any communications with your 10:21
23 Q Okay. I think earlier you said that in 10:19	23 counsel, is there anything else you do in order to 10:21
24 the course of supervising your attorneys you also -- 10:19	24 supervise your counsel in this matter? 10:21
25 read my notes here -- you communicated with them on 10:19	25 A Such as what specifically? 10:21
Page 55	Page 57

<p>1 Q I don't know, I'm asking you. 10:21</p> <p>2 A Yeah, I can't think of anything else. 10:21</p> <p>3 Q Do you know who all the defendants are in 10:21</p> <p>4 this matter? 10:21</p> <p>5 A What do you mean by know who they are? 10:21</p> <p>6 Q Good point. That was a kind of a vague 10:21</p> <p>7 question. 10:21</p> <p>8 Are you able to list the people or 10:21</p> <p>9 entities that are named as defendants in this 10:21</p> <p>10 matter? 10:21</p> <p>11 A Without looking at the complaint? 10:21</p> <p>12 Q Right. 10:21</p> <p>13 A I don't know if I can list them all 10:21</p> <p>14 without looking at the complaint right now. But I 10:22</p> <p>15 know what's written in the complaint. 10:22</p> <p>16 Q You can answer without referring to the 10:22</p> <p>17 complaint or you can't, I'm sorry? 10:22</p> <p>18 MR. FRANKLIN: Objection, argumentative, 10:22</p> <p>19 there's a notice of deposition in front of you if 10:22</p> <p>20 you needed to refer to a document. 10:22</p> <p>21 MS. HEWITT: Absolutely, I didn't tell her 10:22</p> <p>22 to -- 10:22</p> <p>23 THE WITNESS: I know, I'm just -- I'm nine 10:22</p> <p>24 months pregnant and I have trouble remembering 10:22</p> <p>25 things right now, I've seen a doctor for depression, 10:22</p> <p style="text-align: right;">Page 58</p>	<p>1 THE WITNESS: It's just difficult for me 10:23</p> <p>2 to remember things, but I'm doing the best that I 10:23</p> <p>3 can. 10:23</p> <p>4 BY MS. HEWITT: 10:23</p> <p>5 Q Have you reviewed any discovery responses 10:23</p> <p>6 that are being served on your behalf? 10:23</p> <p>7 MR. FRANKLIN: Vague and ambiguous. 10:23</p> <p>8 THE WITNESS: I don't know what you mean 10:23</p> <p>9 by that, I'm not sure. 10:23</p> <p>10 BY MS. HEWITT: 10:24</p> <p>11 Q That's okay. 10:24</p> <p>12 Do you recall reviewing any responses to 10:24</p> <p>13 questions that other parties ask you in a written 10:24</p> <p>14 form that are then put into a written document that 10:24</p> <p>15 you reviewed that were -- that were your responses 10:24</p> <p>16 that were going to be served on the other parties in 10:24</p> <p>17 this matter? 10:24</p> <p>18 MR. FRANKLIN: Lacks foundation, to the 10:24</p> <p>19 extent it calls for attorney-client privilege I 10:24</p> <p>20 instruct you not to answer. 10:24</p> <p>21 THE WITNESS: Okay. 10:24</p> <p>22 BY MS. HEWITT: 10:24</p> <p>23 Q Have you reviewed any discovery responses 10:24</p> <p>24 that are being served on your behalf? 10:24</p> <p>25 A Yeah, I don't understand the question. 10:24</p> <p style="text-align: right;">Page 60</p>
<p>1 so. 10:22</p> <p>2 BY MS. HEWITT: 10:22</p> <p>3 Q You know what, that's a good point. And 10:22</p> <p>4 what I should have asked you at the outset is, I'm 10:22</p> <p>5 sorry, are you aware of any reason here today why 10:22</p> <p>6 you can't give your best testimony here today? 10:22</p> <p>7 A Well, because of those reasons it is 10:22</p> <p>8 difficult for me to remember things, but I'm trying 10:22</p> <p>9 to be as truthful and do the best job that I can, 10:22</p> <p>10 but given the circumstances it is hard for me to 10:22</p> <p>11 remember things, I'm not really myself right now. 10:22</p> <p>12 Q And I appreciate that. I really do. 10:22</p> <p>13 So as to the depression, are you being 10:22</p> <p>14 treated right now for that? 10:23</p> <p>15 A I'm seeing a doctor for that. 10:23</p> <p>16 Q Are you taking any medication that may 10:23</p> <p>17 affect your memory or your ability to give your best 10:23</p> <p>18 testimony here today? 10:23</p> <p>19 A I'm not taking any medication right now 10:23</p> <p>20 for that. 10:23</p> <p>21 Q Do you have a belief that your -- that any 10:23</p> <p>22 medical conditions you have right now are affecting 10:23</p> <p>23 your ability to provide your best testimony here 10:23</p> <p>24 today? 10:23</p> <p>25 MR. FRANKLIN: Asked and answered. 10:23</p> <p style="text-align: right;">Page 59</p>	<p>1 Q Do you recall reviewing any discovery 10:24</p> <p>2 responses that are going to be served on your 10:24</p> <p>3 behalf? 10:24</p> <p>4 A What do you mean by served on my behalf, 10:24</p> <p>5 that's what I don't understand. 10:24</p> <p>6 Q Given to the other parties on your behalf. 10:24</p> <p>7 A So you're asking me if I've reviewed 10:24</p> <p>8 responses that I've made? 10:24</p> <p>9 Q Yes. 10:24</p> <p>10 A Yeah, that's something I've discussed with 10:24</p> <p>11 my attorneys and -- 10:25</p> <p>12 Q I understand you discussed it with your 10:25</p> <p>13 counsel. 10:25</p> <p>14 Do you recall reviewing anything that are 10:25</p> <p>15 discovery responses that are being made for you? 10:25</p> <p>16 MR. FRANKLIN: Asked and answered. 10:25</p> <p>17 THE WITNESS: I reviewed that information 10:25</p> <p>18 with my attorney. 10:25</p> <p>19 BY MS. HEWITT: 10:25</p> <p>20 Q Okay. Separate from that, do you have any 10:25</p> <p>21 recollection of reviewing discovery responses that 10:25</p> <p>22 are being made on your behalf? 10:25</p> <p>23 MR. FRANKLIN: Asked and answered. 10:25</p> <p>24 THE WITNESS: I have a recollection of 10:25</p> <p>25 reviewing it with my attorney. 10:25</p> <p style="text-align: right;">Page 61</p>

1 BY MS. HEWITT: 10:25	1 he introduced himself, I'm not quite sure. 10:28
2 Q Okay. And what discovery responses were 10:25	2 Q What were the circumstances in which you 10:28
3 those? 10:25	3 first met him, what were you there for? 10:28
4 A Those are things that I discussed with my 10:25	4 A It's hard for me to remember which 10:28
5 attorney. 10:25	5 specific day I met him, so I feel like I would be 10:28
6 Q Do you recall what discovery responses 10:25	6 speculating on why I was there that day. 10:28
7 those were? 10:25	7 Q In January of 2016, do you recall how many 10:28
8 A I can't answer that; right? Because 10:25	8 times you went to the bluff at Lunada Bay? 10:28
9 it's... 10:25	9 A I know that it was at least twice. 10:28
10 MR. FRANKLIN: If it's something -- my 10:25	10 Q Okay. And one of those times you met 10:29
11 objection is attorney-client privilege. If it's 10:25	11 Cory Spencer; right? 10:29
12 something you've learned from us, I'm going to 10:25	12 A Yes, I would assume that was one of those 10:29
13 instruct you not to answer. 10:25	13 times, I don't know, I may have been there more than 10:29
14 BY MS. HEWITT: 10:26	14 that. There are two instances that I recall. 10:29
15 Q Whether or not you reviewed -- whether or 10:26	15 Q Do you -- sorry, withdraw. 10:29
16 not you reviewed them, and I'm not asking you about 10:26	16 When you met him, do you recall meeting 10:29
17 communications, but I -- to clarify, I'm asking 10:26	17 anybody else there for the first time? 10:29
18 whether or not you, on your own, recall reviewing 10:26	18 A For the first time? Yes, I believe I met 10:29
19 any discovery responses that are made on your 10:26	19 some other people there for the first time, yes, as 10:29
20 behalf -- this is aside from any communications you 10:26	20 well. 10:29
21 have with counsel? 10:26	21 Q Who were those people? 10:29
22 A I recall reviewing the questions, yes. 10:26	22 A I may have met Chris Taloa there for the 10:29
23 Q Great. When do you remember that -- doing 10:26	23 first time that day, I don't know if that was the 10:29
24 that? 10:26	24 first time I met him, but I met him at the same 10:29
25 A Within the last month or so approximately. 10:26	25 spot. 10:30
Page 62	Page 64
1 Q Do you recall reviewing -- we'll look at 10:26	1 I met named a man -- not named -- I met a 10:30
2 it in a little bit -- a document entitled 10:26	2 man named Kenny. And I know I met some other 10:30
3 "disclosures" or "supplemental disclosures"? 10:27	3 people, too, I think, but I don't remember their 10:30
4 A I don't know. 10:27	4 names. 10:30
5 Q Okay. We talked a little bit earlier 10:27	5 Q Do you recall whether Jordan was there, 10:30
6 about Cory Spencer and when you may have first met 10:27	6 too? 10:30
7 him. And I think we agreed that you did meet him in 10:27	7 A Yes, Jordan was there. 10:30
8 January of 2016, but you're not sure if that's the 10:27	8 Q Do you recall whether or not it appeared 10:30
9 first time; is that right? 10:27	9 that Jordan knew Chris Taloa before that day? 10:30
10 A Yes. 10:27	10 A What do you mean by if it appeared that he 10:30
11 Q Now that we've been talking about it a 10:27	11 knew him? 10:30
12 little more, do you have any recollection of when 10:27	12 Q Let me ask you this, you're right, that's 10:30
13 you did first meet Cory Spencer? 10:27	13 a bad question. 10:30
14 A It's hard for me to say a specific date. 10:27	14 Do you know whether Jordan and Chris Taloa 10:30
15 Q Do we think it was in January of 2016? 10:27	15 knew each other before this instance that we're 10:30
16 A I do think it was in January, yes. 10:27	16 discussing right now? 10:30
17 Q How did you meet him? 10:27	17 A Yes, I know that they knew each other, I 10:30
18 A From what I recall, I met him on top of -- 10:27	18 don't know specifically how well, but I do know that 10:30
19 on top of the bluff at Lunada Bay. 10:27	19 they knew each other, yes. 10:30
20 Q Had you ever talked to him or communicated 10:27	20 Q Do you know how they knew each other? 10:30
21 with him before first meeting him on the top of the 10:28	21 A I actually don't know how they met, no. 10:30
22 bluff? 10:28	22 Q Do you know if they were social with each 10:30
23 A I don't think so. 10:28	23 other before this date? 10:31
24 Q Who introduced you, if anybody? 10:28	24 A Not very social. Not outside of, you 10:31
25 A I don't know if anyone introduced me or if 10:28	25 know, our meeting there. 10:31
Page 63	Page 65

1	Q	Does Jordan surf?	10:31	1	times. It's hard for me to say exactly how many	10:33
2	A	Yes, Jordan surfs.	10:31	2	times.	10:33
3	Q	Is it your understanding that Chris Taloa	10:31	3	Q All right. Then how about with regard to	10:33
4		surfs as well?	10:31	4	meetings with attorneys, how many times have you	10:33
5	A	I think Chris Taloa actually doesn't surf,	10:31	5	been at a meeting with your attorneys where	10:33
6		I think he boogie-boards.	10:31	6	Cory Spencer was present?	10:33
7	Q	Good point.	10:31	7	A Just one.	10:33
8		Do you know whether or not Jordan and	10:31	8	Q Have you ever been, as far as you're	10:33
9		Chris had gone out either surfing or boogie-boarding	10:31	9	aware, in the same room with Cory at any other time?	10:33
10		before this date?	10:31	10	A Not that I'm aware of, no.	10:33
11	A	Whether they had gone out surfing at	10:31	11	Q Now, in the complaint that we'll take a	10:33
12		Lunada; is that the question?	10:31	12	look at in a little bit, do you recall reviewing the	10:33
13	Q	No, in general, just ever.	10:31	13	allegations that are specifically made against	10:33
14	A	They've -- yeah, I know they've surfed	10:31	14	Chief Kepley?	10:33
15		before.	10:31	15	A I do recall reviewing the complaint and	10:33
16	Q	Before the date when you first met Chris?	10:31	16	the allegations, yes.	10:33
17	A	I'm confused at what you're asking me.	10:31	17	Q From that review, what is your	10:33
18		Are you asking me if Jordan knew how to	10:31	18	understanding of the complaint you have against --	10:33
19		surf?	10:31	19	not the complaint -- I just said complaint, sorry.	10:34
20	Q	No, I'm asking whether or not Jordan and	10:31	20	What are the claims you have against	10:34
21		Chris had ever gone surfing or boogie-boarding	10:31	21	Police Chief Kepley?	10:34
22		before the date you first met Chris?	10:31	22	MR. FRANKLIN: Objection, to the extent	10:34
23	A	Where?	10:31	23	the documents speak for themselves and calls for a	10:34
24	Q	Anywhere.	10:32	24	legal conclusion.	10:34
25	A	Yeah, they've surfed in the ocean before.	10:32	25	THE WITNESS: Right, I know that we're	10:34
Page 66				Page 68		
1	Q	So they would go out socialize at least in	10:32	1	asking for public access, safe public access at	10:34
2		the water before?	10:32	2	Lunada Bay.	10:34
3	A	Are you asking me if they went together?	10:32	3	BY MS. HEWITT:	10:34
4	Q	Yeah.	10:32	4	Q Do you have any recollection or --	10:34
5	A	Okay. Yeah, I don't know if they surfed	10:32	5	withdraw that.	10:34
6		together actually, I'm not sure. I know that, yes,	10:32	6	Do you have an understanding of what	10:34
7		individually they've surfed in the ocean.	10:32	7	allegations you're making against Chief Kepley as to	10:34
8	Q	Okay.	10:32	8	what he did wrong?	10:34
9	A	And whether Chris Taloa had surfed or not,	10:32	9	MR. FRANKLIN: Same objections.	10:34
10		I don't know, because I know he boogie-boards.	10:32	10	THE WITNESS: I know that we're saying	10:34
11	Q	Right. Okay. So you're not sure whether	10:32	11	that he failed to provide safe public access to	10:34
12		or not they've ever gone out together before?	10:32	12	Lunada Bay.	10:34
13	A	Together, yeah, I don't know. I mean, I	10:32	13	BY MS. HEWITT:	10:34
14		know that they knew each other but whether they went	10:32	14	Q And what is your understanding of the	10:34
15		out together, I'm not sure.	10:32	15	allegations are as to how he did that, didn't do	10:34
16	Q	Okay. Fair enough.	10:32	16	that?	10:34
17		Going back to Cory Spencer, as of today,	10:32	17	MR. FRANKLIN: Objection, to the extent	10:34
18		how many times have you been in his presence?	10:32	18	the documents speak for themselves and calls for	10:34
19	A	That would be hard for me to say. I guess	10:32	19	legal conclusion, asked and answered.	10:35
20		I was aware of being in his presence a few times,	10:32	20	THE WITNESS: What is the question again	10:35
21		but --	10:32	21	you're asking?	10:35
22	Q	We'll break it down.	10:32	22	BY MS. HEWITT:	10:35
23		First we know at the bluff you think there	10:32	23	Q I'm asking -- what is your understanding	10:35
24		was one time?	10:32	24	from your review of the complaint as to how	10:35
25	A	Yeah, yeah, there was, I think, one or two	10:33	25	Chief Kepley has failed to provide safe access to	10:35
Page 67				Page 69		

1 Lunada Bay? 10:35	1 providing safe public access? 10:37
2 MR. FRANKLIN: Vague and ambiguous. 10:35	2 MR. FRANKLIN: Vague and ambiguous, 10:37
3 THE WITNESS: My understanding is that he 10:35	3 document speaks for itself, asked and answered. 10:37
4 failed to take the necessary steps to make it a safe 10:35	4 THE WITNESS: I'm confused because I feel 10:37
5 place. 10:35	5 you're asking me the same question over and over and 10:37
6 BY MS. HEWITT: 10:35	6 I keep trying to answer it. 10:37
7 Q What steps were those? 10:35	7 BY MS. HEWITT: 10:37
8 MR. FRANKLIN: Vague and ambiguous, calls 10:35	8 Q And I appreciate that. 10:37
9 for legal conclusion. 10:35	9 So I'm asking this question about the 10:37
10 THE WITNESS: He failed to help with the 10:35	10 complaint and your understanding of the complaint as 10:37
11 police reports, he failed to do anything to provide 10:35	11 to the allegation against Police Chief Kepley. And 10:37
12 safe access. 10:35	12 you've told me that he's failed to provide safe 10:37
13 BY MS. HEWITT: 10:35	13 public access to Lunada Bay, so I appreciate that 10:37
14 Q Other than failed to help with police 10:35	14 you gave me that response. And kind of as lawyers 10:37
15 reports, do you have any other recollection, or 10:35	15 do now, I have to kind of break that down now. 10:37
16 understanding rather, of the allegations of what 10:35	16 So I've been sort of going to the next 10:37
17 Chief Kepley failed to do in order to provide safe 10:36	17 level. 10:37
18 public access to Lunada Bay? 10:36	18 Okay. What is your understanding of what 10:37
19 MR. FRANKLIN: Vague and ambiguous, calls 10:36	19 he has or hasn't done which has led to him failing 10:38
20 for legal conclusion. 10:36	20 to provide safe public access, and you said, Well, 10:38
21 THE WITNESS: I know he failed to provide 10:36	21 one of the things is that he failed to help with 10:38
22 safe public access to Lunada Bay. 10:36	22 police reports. So that's one thing you told me. 10:38
23 BY MS. HEWITT: 10:36	23 Aside from that -- that's what I'm 10:38
24 Q Okay. So we explored that a little bit 10:36	24 asking -- are there any other things that he has 10:38
25 and you said -- I asked you what are the ways in 10:36	25 done or hasn't done that have led to him failing to 10:38
Page 70	Page 72
1 which he failed to do that and one of the things you 10:36	1 provide safe public access? I already know you're 10:38
2 told me was that he failed to help with police 10:36	2 telling me he failed to provide safe public access, 10:38
3 reports. 10:36	3 but I want to know what is your understanding of 10:38
4 Is there anything else that he failed to 10:36	4 what the complaint says about that, what has he 10:38
5 do in the course of failing to provide safe public 10:36	5 failed to do under that? 10:38
6 access? 10:36	6 MR. FRANKLIN: Vague and ambiguous, the 10:38
7 MR. FRANKLIN: Vague and ambiguous, 10:36	7 document speaks for itself, calls for legal 10:38
8 documents speak for themselves. 10:36	8 conclusion. 10:38
9 THE WITNESS: Everything that's in the 10:36	9 THE WITNESS: I know that he hasn't taken 10:38
10 document and just not following through to make it a 10:36	10 the steps necessary to make it safe, it's not safe 10:38
11 safe place for anyone to be able to go to. 10:36	11 for anyone to go down there right now. 10:38
12 BY MS. HEWITT: 10:36	12 BY MS. HEWITT: 10:38
13 Q Right. And those are the things that I'm 10:36	13 Q What steps are necessary to your 10:38
14 trying to ask about. 10:36	14 understanding in the complaint? 10:38
15 What is your understanding of what the 10:36	15 A I mean -- 10:38
16 complaint says about those things that you're saying 10:36	16 MR. FRANKLIN: Vague and ambiguous, 10:38
17 he didn't follow through on, for instance? 10:36	17 document speaks for itself, calls for legal 10:38
18 MR. FRANKLIN: Vague and ambiguous, 10:37	18 conclusion, also calls for expert testimony. 10:38
19 document speaks for itself, calls for legal 10:37	19 THE WITNESS: I would -- it would be safe 10:39
20 conclusion. 10:37	20 if no one would harass anyone down there. 10:39
21 THE WITNESS: Not being able to provide 10:37	21 BY MS. HEWITT: 10:39
22 public access in a safe manner. 10:37	22 Q Okay. What steps has Chief Kepley taken 10:39
23 BY MS. HEWITT: 10:37	23 or not taken in that regard? 10:39
24 Q What has Chief Kepley in your 10:37	24 MR. FRANKLIN: Vague and ambiguous, lacks 10:39
25 understanding failed to do that has led to him not 10:37	25 foundation, calls for speculation, calls for expert 10:39
Page 71	Page 73

<p>1 1 testimony. 10:39</p> <p>2 2 THE WITNESS: Right, not being a member of 10:39</p> <p>3 3 the police it would be hard for me to specifically 10:39</p> <p>4 4 say what he needs to do or doesn't need to do. 10:39</p> <p>5 5 I know that Lunada Bay is not safe, 10:39</p> <p>6 6 nothing has been done to make it any safer, and, you 10:39</p> <p>7 7 know, it's a public beach and he hasn't been of any 10:39</p> <p>8 8 help to grant access to the beach-goers. 10:39</p> <p>9 9 BY MS. HEWITT: 10:39</p> <p>10 10 Q Okay. 10:39</p> <p>11 11 THE WITNESS: Can I take a break, too? 10:39</p> <p>12 12 MS. HEWITT: Sure, let's take a break and 10:39</p> <p>13 13 we'll go back to that point. 10:39</p> <p>14 14 THE VIDEOGRAPHER: We are off the record 10:39</p> <p>15 10:39 15 at a.m.</p> <p>16 10:39</p> <p>16 16 (Break taken.) 10:40</p> <p>17</p> <p>17 17 THE VIDEOGRAPHER: This commences video 11:15</p> <p>18</p> <p>19 11:15 18 file three, we're on the record at</p> <p>20 19 BY MS. HEWITT: 11:15</p> <p>21 20 Q Okay. Ms. Reed, welcome back from the 11:15</p> <p>22 21 break. I'm glad you got something to eat. 11:15</p> <p>23 22 We were talking a bit about your 11:15</p> <p>24 23 understanding of the complaint. So just to move on 11:15</p> <p>25 24 from there, sitting here today, have we exhausted 11:15</p> <p>25 25 your understanding of your claims against 11:15</p> <p style="text-align: right;">Page 74</p>	<p>1 Q Okay. Sitting here today, though, have we 11:16</p> <p>2 exhausted your understanding of how he has failed to 11:16</p> <p>3 do that as reflected in the complaint? 11:16</p> <p>4 MR. FRANKLIN: Vague and ambiguous, calls 11:17</p> <p>5 for legal conclusion. 11:17</p> <p>6 THE WITNESS: I don't know the answer to 11:17</p> <p>7 your question. 11:17</p> <p>8 BY MS. HEWITT: 11:17</p> <p>9 Q Okay. 11:17</p> <p>10 THE VIDEOGRAPHER: Counsel, can you put 11:17</p> <p>11 your mic on? 11:17</p> <p>12 MR. FRANKLIN: Sure. 11:17</p> <p>13 THE WITNESS: I can give you examples of 11:17</p> <p>14 things that have happened to me. 11:17</p> <p>15 MS. HEWITT: That's okay, we'll move on 11:17</p> <p>16 from there. 11:17</p> <p>17 BY MS. HEWITT: 11:17</p> <p>18 Q A few things I need to go back and 11:17</p> <p>19 clarify. 11:17</p> <p>20 Earlier we talked a little bit about your 11:17</p> <p>21 employment history. And I think you said that you 11:17</p> <p>22 had not done any work for pay or -- paid or 11:17</p> <p>23 unpaid -- since prior to your surf camp directorship 11:17</p> <p>24 and going back, I think, even to USC; do you 11:17</p> <p>25 remember that? 11:17</p> <p style="text-align: right;">Page 76</p>
<p>1 Chief Kepley as reflected in the complaint? 11:15</p> <p>2 MR. FRANKLIN: Vague and ambiguous, 11:15</p> <p>3 document speaks for itself. 11:15</p> <p>4 THE WITNESS: What do you mean by exhaust? 11:15</p> <p>5 BY MS. HEWITT: 11:15</p> <p>6 Q Have you told us everything you know as we 11:15</p> <p>7 sit here today? 11:16</p> <p>8 MR. FRANKLIN: Vague and ambiguous. 11:16</p> <p>9 THE WITNESS: I don't know with what 11:16</p> <p>10 you're referring to. 11:16</p> <p>11 BY MS. HEWITT: 11:16</p> <p>12 Q We had just finished a long series of 11:16</p> <p>13 conversations about your understanding of your 11:16</p> <p>14 allegations against Chief Kepley in the complaint, 11:16</p> <p>15 we went over a few things, and I just wanted to make 11:16</p> <p>16 sure you told me everything about your understanding 11:16</p> <p>17 of your allegation against Chief Kepley in the 11:16</p> <p>18 complaint so I can move on to the next subject. 11:16</p> <p>19 A Well, basically, I was just trying to say 11:16</p> <p>20 that he's failed to provide public access for 11:16</p> <p>21 beach-goers that are outside from Lunada Bay where 11:16</p> <p>22 they can go there and not be harassed. 11:16</p> <p>23 And there's a multitude of instances that 11:16</p> <p>24 happened to me regarding the police that I believe 11:16</p> <p>25 he's responsible for as the chief. 11:16</p> <p style="text-align: right;">Page 75</p>	<p>1 A Yes. I remember you asking if there's any 11:17</p> <p>2 paid work. 11:17</p> <p>3 Q I think we went over unpaid work, and if 11:17</p> <p>4 that's not your understanding, let's make sure we 11:17</p> <p>5 clarify that. 11:17</p> <p>6 A Sure. 11:17</p> <p>7 Q Did you do any unpaid work or freelance 11:17</p> <p>8 work that was unpaid between USC and the current 11:17</p> <p>9 time, like now? 11:17</p> <p>10 A I mean, I've done, you know, freelance 11:18</p> <p>11 work here and there. I've been working in film 11:18</p> <p>12 since I was a kid, it's hard for me to specifically 11:18</p> <p>13 name what I have and haven't done. 11:18</p> <p>14 Q Do you have a LinkedIn page? 11:18</p> <p>15 A I do have a LinkedIn page, I haven't been 11:18</p> <p>16 on that page in quite a while. 11:18</p> <p>17 Q Is it accurate as far as you know as to 11:18</p> <p>18 what is reflected on the LinkedIn page? 11:18</p> <p>19 MR. FRANKLIN: Vague and ambiguous. 11:18</p> <p>20 THE WITNESS: I don't know. Honestly, I 11:18</p> <p>21 don't even remember what's on the page. 11:18</p> <p>22 BY MS. HEWITT: 11:18</p> <p>23 Q Did you create the LinkedIn page? 11:18</p> <p>24 A I did, yeah. 11:18</p> <p>25 Q Did you ever do any work as a 11:18</p> <p style="text-align: right;">Page 77</p>

<p>1 photographer that was paid or unpaid in between 2012 11:18</p> <p>2 and the present? 11:18</p> <p>3 A 2012 and the present, yeah, I'm sure I 11:18</p> <p>4 did. 11:18</p> <p>5 Q What kind of work did you do? 11:18</p> <p>6 A I mean, I enjoy doing photographs so I've 11:18</p> <p>7 done photography work for myself, I did some 11:18</p> <p>8 photography for my ex-husband. 11:18</p> <p>9 Q When you say for your ex-husband, aside 11:19</p> <p>10 from anything personal, did you do photography for 11:19</p> <p>11 him in connection with some sort of business 11:19</p> <p>12 venture, some sort of business he had? 11:19</p> <p>13 A Yes, I did. 11:19</p> <p>14 Q What was that? 11:19</p> <p>15 A I took photos for him for one of his 11:19</p> <p>16 tours. 11:19</p> <p>17 Q What tour was that? 11:19</p> <p>18 A The Rock and Roll All Stars Tour in 11:19</p> <p>19 South America. 11:19</p> <p>20 Q How long was that? 11:19</p> <p>21 A How long was the tour? 11:19</p> <p>22 Q Yes, how long was the tour? 11:19</p> <p>23 A It's hard for me to say how long the 11:19</p> <p>24 actual tour was, I don't really remember. I mean, 11:19</p> <p>25 it was probably about a week or so, more or less, I 11:19</p> <p style="text-align: right;">Page 78</p>	<p>1 anybody in connection with taking these photographs 11:20</p> <p>2 of the Rock and Roll All Stars? 11:20</p> <p>3 A What do you mean? 11:20</p> <p>4 Q Did your husband have a business that you 11:21</p> <p>5 were taking the photographs for? 11:21</p> <p>6 A My husband has a business. 11:21</p> <p>7 Q And that business is -- was it tour 11:21</p> <p>8 promoter -- 11:21</p> <p>9 A Yeah, he's a concert promoter. 11:21</p> <p>10 Q He's a concert promoter. 11:21</p> <p>11 Okay. And was he promoting this tour that 11:21</p> <p>12 you were photographing? 11:21</p> <p>13 A He was, yes, I don't know exactly what his 11:21</p> <p>14 business structure was or what company he was doing 11:21</p> <p>15 it under or if he was doing it as an individual, I 11:21</p> <p>16 don't know these details. But I do take the photos 11:21</p> <p>17 for him to be able to use. 11:21</p> <p>18 Q Okay. And what happened to those photos? 11:21</p> <p>19 A I know some of them, I think, most of, you 11:21</p> <p>20 know, the ones that we selected were published on 11:21</p> <p>21 social media. I believe they were in some local 11:21</p> <p>22 publications but I'm not sure exactly where they all 11:21</p> <p>23 went. 11:21</p> <p>24 Q Do you have any ownership in the tour 11:21</p> <p>25 promotion business of your former ex-husband? 11:21</p> <p style="text-align: right;">Page 80</p>
<p>1 don't remember. I mean, I did some photos of them 11:19</p> <p>2 preparing for the tour as well. 11:19</p> <p>3 Q Do you consider yourself a professional 11:19</p> <p>4 photographer? 11:19</p> <p>5 A No. I don't. 11:19</p> <p>6 Q Who are some of the people you were 11:19</p> <p>7 photographing on this tour or -- was it a musical 11:19</p> <p>8 tour? 11:20</p> <p>9 A Yeah. 11:20</p> <p>10 Q So were you photographing bands? 11:20</p> <p>11 A Yeah, I was photographing the people that 11:20</p> <p>12 were in the Rock and Roll All Stars, I don't 11:20</p> <p>13 remember all their names right now, but Gene Simmons 11:20</p> <p>14 was one of them from Kiss -- who else was on it? 11:20</p> <p>15 I'm terrible with names, especially now, I'm even 11:20</p> <p>16 more terrible. 11:20</p> <p>17 I would have to refresh my memory as to 11:20</p> <p>18 the names of all the musicians on there. 11:20</p> <p>19 Q Were you paid for any of this work that 11:20</p> <p>20 you did in photographing the Rock and Roll All 11:20</p> <p>21 Stars? 11:20</p> <p>22 A No, I wasn't paid for it directly. I 11:20</p> <p>23 mean, I lived with my ex-husband and he paid for 11:20</p> <p>24 everything, so... 11:20</p> <p>25 Q So it was your -- were you working for 11:20</p> <p style="text-align: right;">Page 79</p>	<p>1 MR. FRANKLIN: Calls for legal conclusion. 11:22</p> <p>2 BY MS. HEWITT: 11:22</p> <p>3 Q Close-to-be former ex-husband. 11:22</p> <p>4 MR. FRANKLIN: To the extent it calls for 11:22</p> <p>5 attorney-client privilege, she's going through a 11:22</p> <p>6 divorce right now, I don't want you to damage your 11:22</p> <p>7 case. 11:22</p> <p>8 BY MS. HEWITT: 11:22</p> <p>9 Q If you know. 11:22</p> <p>10 Do you know without turning into 11:22</p> <p>11 attorney-client privilege whether or not you were 11:22</p> <p>12 part owner of your soon-to-be ex-husband's business? 11:22</p> <p>13 A I didn't own the business with him, no. 11:22</p> <p>14 Q And you said you were not paid for those 11:22</p> <p>15 photos. 11:22</p> <p>16 Were you -- were you hired by his tour 11:22</p> <p>17 promotion company to take these photographs? 11:22</p> <p>18 A His company entailed just him, just one 11:22</p> <p>19 person. 11:22</p> <p>20 Q Did he hire you to take these photos? 11:22</p> <p>21 A I don't know what you mean by "hire." It 11:22</p> <p>22 was just me and him so it was very informal. 11:22</p> <p>23 Q Prior to that, had you ever done any other 11:22</p> <p>24 professional photography for any other entity? 11:22</p> <p>25 A I may have. I don't remember -- I mean, 11:22</p> <p style="text-align: right;">Page 81</p>

<p>1 I've been doing like I said film-related stuff since 11:23</p> <p>2 I have a kid, so I've done a lot of stuff here and 11:23</p> <p>3 there. 11:23</p> <p>4 Q Were you in film development at all? 11:23</p> <p>5 A I had an internship in film development, 11:23</p> <p>6 yes. 11:23</p> <p>7 Q When was that? In college? 11:23</p> <p>8 A Yeah, I believe that was -- that was maybe 11:23</p> <p>9 2013. 11:23</p> <p>10 Q Okay. Were you ever a director? 11:23</p> <p>11 A I've directed my own projects, yes. 11:23</p> <p>12 Q When was the last project that you 11:23</p> <p>13 directed? 11:23</p> <p>14 A Last project I directed, I believe, was my 11:23</p> <p>15 last student film at USC, I think. 11:23</p> <p>16 Q How about some cinematography, have you 11:23</p> <p>17 ever done any cinematography? 11:23</p> <p>18 A Yes. 11:23</p> <p>19 Q When was the last time you did that in a 11:23</p> <p>20 professional capacity? 11:24</p> <p>21 A Well, I've never actually done it, you 11:24</p> <p>22 know, for a major Hollywood film or anything like 11:24</p> <p>23 that. It was all small projects. 11:24</p> <p>24 Q Your own projects? 11:24</p> <p>25 A For the most part. I mean, I've done some 11:24</p> <p style="text-align: right;">Page 82</p>	<p>1 a particular company but you go out and get jobs on 11:25</p> <p>2 your own. 11:25</p> <p>3 Do you think between 2012 and current time 11:25</p> <p>4 you were ever hired to do any cinematography or 11:25</p> <p>5 photography on a freelance basis? 11:25</p> <p>6 A I mean, other than the stuff that I did 11:25</p> <p>7 for my ex-husband, I don't recall of anything. 11:25</p> <p>8 Q Did you ever have any companies on your 11:25</p> <p>9 own related to photography or cinematography or 11:25</p> <p>10 movies or anything like that? 11:25</p> <p>11 A I did before college. 11:25</p> <p>12 Q Before college, what company was that? 11:25</p> <p>13 A I had -- what's the name of it? I think 11:25</p> <p>14 that I created a company when I was about 18 years 11:26</p> <p>15 old or so. 11:26</p> <p>16 Q What kind of company is that? 11:26</p> <p>17 A Like film -- film company I was hoping for 11:26</p> <p>18 it to become. 11:26</p> <p>19 Q Have you ever endeavored to get into movie 11:26</p> <p>20 production since you've been here in California? 11:26</p> <p>21 MR. FRANKLIN: Vague and ambiguous. 11:26</p> <p>22 THE WITNESS: You know, I would have liked 11:26</p> <p>23 to, but unfortunately I was in a very abusive 11:26</p> <p>24 marriage and I just wasn't able to -- to follow my 11:26</p> <p>25 career in the way that I would have wanted to. 11:26</p> <p style="text-align: right;">Page 84</p>
<p>1 shooting for other people, too, hmm-mm. 11:24</p> <p>2 Q For money? 11:24</p> <p>3 A I'm sorry? 11:24</p> <p>4 Q For money? Did you get paid for those? 11:24</p> <p>5 A I know I got paid for some of them. But 11:24</p> <p>6 it was a long time ago. 11:24</p> <p>7 Q How long ago, like before college? 11:24</p> <p>8 A The ones that I got paid for, yeah, I 11:24</p> <p>9 think it was before college. 11:24</p> <p>10 Q How about after college, did you do any 11:24</p> <p>11 cinematography work that you did not get paid for? 11:24</p> <p>12 MR. FRANKLIN: Vague and ambiguous. 11:24</p> <p>13 THE WITNESS: I know I shot stuff for my 11:24</p> <p>14 husband, but it's hard to say whether I got paid for 11:24</p> <p>15 it or not because we lived together and he paid for 11:24</p> <p>16 everything, so it's not like he would pay me, you 11:24</p> <p>17 know, money. 11:25</p> <p>18 BY MS. HEWITT: 11:25</p> <p>19 Q Did you do any -- do you know what 11:25</p> <p>20 freelance means? 11:25</p> <p>21 A Hmm-mm, yeah, it means you're not hired by 11:25</p> <p>22 a company is my understanding, you're not hired by a 11:25</p> <p>23 major company. It's like a temporary job. 11:25</p> <p>24 Q That could be one meaning. But freelance 11:25</p> <p>25 can also mean that you yourself are not employed by 11:25</p> <p style="text-align: right;">Page 83</p>	<p>1 BY MS. HEWITT: 11:26</p> <p>2 Q Did you ever act -- were you ever a model? 11:26</p> <p>3 A I've done some modeling work, yes. 11:26</p> <p>4 Q When did you do your modeling work? 11:27</p> <p>5 A I mean, I've done it over -- since -- 11:27</p> <p>6 since I was in high school, maybe even earlier. I 11:27</p> <p>7 mean, nothing major. Mostly just time for print 11:27</p> <p>8 work which means that you model for free and then 11:27</p> <p>9 the photographers will give you the photos. 11:27</p> <p>10 Q When was the last time you did that, did 11:27</p> <p>11 any sort of modeling? 11:27</p> <p>12 A Did any sort of modeling? I don't 11:27</p> <p>13 remember. 11:27</p> <p>14 Q Paid or unpaid? 11:27</p> <p>15 A Yeah, I don't remember. 11:27</p> <p>16 Q Did you do any since 2012? 11:27</p> <p>17 A I did some time for print work, yes. 11:27</p> <p>18 Q When was that? 11:27</p> <p>19 A It's hard for me to remember the specific 11:27</p> <p>20 dates. 11:28</p> <p>21 Q Just a year would be fine. 11:28</p> <p>22 A Maybe 2014 or 2015. 11:28</p> <p>23 Q Go ahead. 11:28</p> <p>24 A I don't believe I did anything this year. 11:28</p> <p>25 I've primarily been focused on my pregnancy. 11:28</p> <p style="text-align: right;">Page 85</p>

1 Q The last time you did modeling, who was it 11:28	1 your understanding of the complaint and your duties 11:31
2 for? 11:28	2 as a class representative. 11:31
3 A It was just different photographers who 11:28	3 As you sit here today, what is your 11:31
4 wanted to build their portfolio and they asked me to 11:28	4 understanding how Chief Kepley specifically has 11:31
5 model for them in exchange for them getting to 11:28	5 harmed you if at all in any way? 11:31
6 shoot. So it wasn't for any official publication or 11:28	6 MR. FRANKLIN: Vague and ambiguous. 11:31
7 anything. 11:28	7 THE WITNESS: I know that he did not -- he 11:31
8 Q What were you modeling? I don't know the 11:28	8 failed to create public access at Lunada Bay. And 11:31
9 lingo, I'm sorry, was it clothes, was it surfboards, 11:28	9 he failed to make it a safe place for all 11:31
10 cameras, I don't know? 11:28	10 individuals where they could go without being 11:31
11 A It's hard for me to remember to answer 11:28	11 harassed. 11:31
12 that question because I wasn't modeling particular 11:29	12 BY MS. HEWITT: 11:31
13 clothing. I was just, like, they were just taking 11:29	13 Q What is your understanding of how long 11:31
14 photos of me on the beach. 11:29	14 he's been failing to do this? 11:31
15 Q Okay. You were in a swimsuit? 11:29	15 MR. FRANKLIN: Vague and ambiguous, lacks 11:31
16 A Hmm-mm. 11:29	16 foundation. 11:31
17 Q Yes? 11:29	17 THE WITNESS: I know that this situation 11:31
18 A Yes. 11:29	18 has been going on according to what Charlie Ferrara 11:31
19 Q Had you ever worked in TV in the last ten 11:29	19 told me for 59 years and even forever, so I would 11:32
20 years? 11:29	20 assume that the police department in their 11:32
21 A In the last ten years which would be from 11:29	21 representative capacity has been doing this for 11:32
22 2006? 11:29	22 quite a while. 11:32
23 Q Yes. 11:29	23 BY MS. HEWITT: 11:32
24 A I don't think so, I don't think in the 11:29	24 Q How about Chief Kepley himself? 11:32
25 last ten years I did anything specifically for TV, I 11:29	25 A Specifically Chief Kepley himself? 11:32
Page 86	Page 88
1 don't think so. 11:29	1 Q Yes. 11:32
2 Q Were you ever in pageants and those types 11:29	2 A I would assume that -- that the entire 11:32
3 of events -- I think they're called pageants; right? 11:30	3 time he's been there, I don't know though, that's 11:32
4 A Yes. 11:30	4 hard for me to say. I just know my own personal 11:32
5 Q Did you ever do any pageant work? 11:30	5 experiences. 11:32
6 A I did, yes. 11:30	6 Q Okay. And do you have an understanding 11:32
7 Q How old were you at the time? 11:30	7 outside of any attorney-client privilege as to how 11:32
8 A I was a teenager. 11:30	8 long Chief Kepley has been the chief at PVE? 11:32
9 Q How old were you when you did any pageant 11:30	9 A I don't remember specifically how long. 11:32
10 work? 11:30	10 Q What damages are you seeking on behalf of 11:32
11 A I don't remember, I just remember I was a 11:30	11 the class? 11:32
12 teenager, but I don't remember how old I was, it was 11:30	12 MR. FRANKLIN: Vague and ambiguous. 11:32
13 a while ago. 11:30	13 THE WITNESS: I'm seeking whatever damages 11:32
14 Q I understand. Have you ever done any 11:30	14 are deemed appropriate by the attorneys, and I'm 11:33
15 dancing professionally? 11:30	15 seeking first and foremost public access to 11:33
16 A Yes. 11:30	16 Lunada Bay for all beachgoers. 11:33
17 Q What type of dancing have you done? 11:30	17 BY MS. HEWITT: 11:33
18 A Mostly ballet. 11:30	18 Q Do you have an understanding if you're 11:33
19 Q Okay. Having discussed all this, does it 11:30	19 seeking any money damages? 11:33
20 refresh your recollection about any other type of 11:30	20 A If that's what's deemed appropriate, I 11:33
21 paid or unpaid work you've done since 2012 to the 11:30	21 leave that up to my attorneys. 11:33
22 present? 11:30	22 Q Are you seeking any damages on behalf of 11:33
23 A Not anything other than what you've asked 11:30	23 yourself? 11:33
24 me. 11:30	24 A I'm seeking only damages on behalf of the 11:33
25 Q Okay. I'm going to go back briefly to 11:30	25 class. 11:33
Page 87	Page 89

<p>1 Q Putting aside Chief Kepley, how has the 11:33 2 City of Palos Verdes Estates caused you any harm if 11:33 3 any? 11:33 4 MR. FRANKLIN: Vague and ambiguous, calls 11:33 5 for a narrative. 11:33 6 THE WITNESS: The City of Palos Verdes 11:33 7 Estates has failed to create safe and public access 11:33 8 at Lunada Bay. 11:33 9 BY MS. HEWITT: 11:33 10 Q And then what does safe and public access 11:34 11 mean to you? 11:34 12 A To me, it means that ideally anyone from 11:34 13 any race, any ethnicity, any, you know -- any level 11:34 14 of income, just anyone should be able to go there 11:34 15 without being harassed, without being scared, 11:34 16 without feeling that they're being intimidated, 11:34 17 without being videotaped by everyone, without being 11:34 18 told that you're not welcome. 11:34 19 And I feel that there should be a safe 11:34 20 pathway that's not obscured by the locals. And just 11:34 21 overall I feel that it should be a place that, you 11:35 22 know, people can enjoy for its beauty and for the 11:35 23 beach and for, you know, everything that -- that, 11:35 24 you know, such a beautiful beach, you know, offers. 11:35 25 There should be no -- there should be no fear or, 11:35 Page 90</p>	<p>1 BY MS. HEWITT: 11:36 2 Q Do you believe you've been denied access 11:36 3 due to your race? 11:36 4 A I don't know. 11:36 5 Q Do you believe that? 11:36 6 A I believe that I've been denied access. 11:36 7 Q Due to your race? 11:36 8 A I don't know what the reasons are for them 11:36 9 to be denying me access. 11:36 10 Q I'm just asking of your own belief right 11:36 11 now. 11:36 12 A Hmm-mm. 11:36 13 Q Do you believe as you sit here today that 11:36 14 you've been denied access to Lunada Bay due to your 11:36 15 race? 11:36 16 MR. FRANKLIN: Asked and answered. 11:36 17 THE WITNESS: Yeah, I would have to 11:36 18 speculate, I don't know. 11:36 19 BY MS. HEWITT: 11:36 20 Q I'm not asking you to speculate on what 11:36 21 somebody else thinks. Right now I'm only asking you 11:36 22 what you think. And so generally you think either 11:36 23 yes or no. 11:37 24 So as you sit here today, do you think 11:37 25 you've been denied access to Lunada Bay due to your 11:37 Page 92</p>
<p>1 you know, or anything that deters people from being 11:35 2 able to go there. 11:35 3 Q Do you have an understanding of whether 11:35 4 the complaint mentions anything with regard to 11:35 5 people being denied access due to their race or 11:35 6 ethnicity? 11:35 7 MR. FRANKLIN: Document speaks for itself. 11:35 8 THE WITNESS: You know, it's over a 11:35 9 hundred pages, and I don't have the entire document 11:35 10 memorized, so I'm not sure if there's anything 11:35 11 specifically regarding race in the document. 11:36 12 BY MS. HEWITT: 11:36 13 Q Okay. And how about with regard to 11:36 14 ethnicity? 11:36 15 MR. FRANKLIN: Same objection. 11:36 16 THE WITNESS: I don't know if there's 11:36 17 anything specifically regarding ethnicity in the 11:36 18 document. 11:36 19 BY MS. HEWITT: 11:36 20 Q Sorry. How about with regard to level of 11:36 21 income? 11:36 22 MR. FRANKLIN: Same objection. 11:36 23 THE WITNESS: Yeah, I don't remember if 11:36 24 that's in the complaint or not. 11:36 25 ///</p> Page 91	<p>1 race? 11:37 2 MR. FRANKLIN: Asked and answered. 11:37 3 THE WITNESS: I think that I've been 11:37 4 denied access to Lunada Bay, but whether or not it's 11:37 5 related to my race, I don't know. 11:37 6 BY MS. HEWITT: 11:37 7 Q So you don't believe that as you sit here 11:37 8 today? 11:37 9 MR. FRANKLIN: Argumentative, misstates 11:37 10 prior testimony. 11:37 11 THE WITNESS: I don't know if that's their 11:37 12 reason, it's hard for me to speculate that. 11:37 13 BY MS. HEWITT: 11:37 14 Q I'm not asking for their reason is, 11:37 15 though. 11:37 16 Right now, as you sit here today, I'm 11:37 17 asking you as a class representative, though, you 11:37 18 yourself, though, are you testifying today that you 11:37 19 have been discriminated or rather prevented public 11:37 20 access from Lunada Bay due to your race? 11:37 21 MR. FRANKLIN: Asked and answered. 11:37 22 THE WITNESS: I have been denied access 11:37 23 there. Whether it's due to my race, I cannot tell 11:37 24 you, I do not know. 11:38 25 ///</p> Page 93

<p>1 BY MS. HEWITT: 11:38</p> <p>2 Q As you sit here today, do you not have a 11:38</p> <p>3 belief one way or another whether or not you've been 11:38</p> <p>4 denied public access to Lunada Bay due to your race? 11:38</p> <p>5 MR. FRANKLIN: Asked and answered, 11:38</p> <p>6 argumentative. 11:38</p> <p>7 THE WITNESS: I can't tell you whether 11:38</p> <p>8 it's due to my race or not, I'm not sure. 11:38</p> <p>9 BY MS. HEWITT: 11:38</p> <p>10 Q Do you have a belief one way or the other? 11:38</p> <p>11 MR. FRANKLIN: Asked and answered, 11:38</p> <p>12 argumentative. 11:38</p> <p>13 THE WITNESS: I'm not sure if it's due to 11:38</p> <p>14 my race or not. 11:38</p> <p>15 BY MS. HEWITT: 11:38</p> <p>16 Q Do you have a belief, though, one way or 11:38</p> <p>17 the other, do you have a belief "yes" or have a 11:38</p> <p>18 belief "no"? 11:38</p> <p>19 MR. FRANKLIN: Asked and answered. 11:38</p> <p>20 THE WITNESS: Just my belief is what I 11:38</p> <p>21 told you, I don't know what else to say. 11:38</p> <p>22 BY MS. HEWITT: 11:38</p> <p>23 Q We'll come back to that right now. 11:38</p> <p>24 As you sit here today, do you believe 11:38</p> <p>25 you've been denied access to Lunada Bay on the basis 11:38</p> <p style="text-align: right;">Page 94</p>	<p>1 A I don't know if they would know my level 11:39</p> <p>2 of income, but I have experienced comments that 11:40</p> <p>3 might make me feel that that yes, it would have to 11:40</p> <p>4 do with my level of income not being quite as high 11:40</p> <p>5 as people at Lunada Bay. 11:40</p> <p>6 Q Do you know what the level of income is of 11:40</p> <p>7 people at Lunada Bay? 11:40</p> <p>8 A I don't know specifically the level of 11:40</p> <p>9 income but I've been told that everyone that lives 11:40</p> <p>10 in the surrounding area is from wealthy families. 11:40</p> <p>11 Q So the people who live around that -- so 11:40</p> <p>12 are you differentiating between the people who live 11:40</p> <p>13 around Lunada Bay as opposed to people who are at 11:40</p> <p>14 Lunada Bay when you've been at Lunada Bay? 11:40</p> <p>15 MR. FRANKLIN: Vague and ambiguous. 11:40</p> <p>16 THE WITNESS: It's my understanding that 11:40</p> <p>17 the people that are at Lunada Bay are mostly the 11:40</p> <p>18 people that live at Lunada Bay. 11:40</p> <p>19 BY MS. HEWITT: 11:41</p> <p>20 Q Okay. So other than what you've heard 11:41</p> <p>21 about maybe the level of income of people in general 11:41</p> <p>22 who live in Lunada Bay, do you have any specific 11:41</p> <p>23 knowledge of what level of income is of anybody 11:41</p> <p>24 you've ever come across at Lunada Bay? 11:41</p> <p>25 A I don't know specifically how much money 11:41</p> <p style="text-align: right;">Page 96</p>
<p>1 of your ethnicity? 11:38</p> <p>2 MR. FRANKLIN: Same objections. 11:38</p> <p>3 THE WITNESS: I don't know if it's based 11:38</p> <p>4 on my ethnicity. 11:38</p> <p>5 BY MS. HEWITT: 11:38</p> <p>6 Q Have you ever formed any belief in your 11:38</p> <p>7 head that you were denied access to Lunada Bay on 11:38</p> <p>8 the basis of your ethnicity? 11:39</p> <p>9 A I can't answer that question other than 11:39</p> <p>10 how I've answered it already. 11:39</p> <p>11 Q Well, to me, and I'm not telling you how 11:39</p> <p>12 to answer, but to me it's either "yes," I've had 11:39</p> <p>13 that at some time in my brain or "no" I have not. 11:39</p> <p>14 So, has that thought ever come into your 11:39</p> <p>15 mind that you believed, Yes, I was denied public 11:39</p> <p>16 access to Lunada Bay because of my ethnicity? 11:39</p> <p>17 A It's hard for me to say yes or no. I 11:39</p> <p>18 just -- I haven't had that thought. 11:39</p> <p>19 Q And, then, the same answer with regard to 11:39</p> <p>20 level of income? 11:39</p> <p>21 A What is the question regarding level of 11:39</p> <p>22 income? 11:39</p> <p>23 Q The question is: Have you ever had the 11:39</p> <p>24 thought, Yes, I've been denied public access to 11:39</p> <p>25 Lunada Bay on the basis of my level of income? 11:39</p> <p style="text-align: right;">Page 95</p>	<p>1 they make. 11:41</p> <p>2 Q And if I were to ask you about any one of 11:41</p> <p>3 the people you've come across at Lunada Bay, you'd 11:41</p> <p>4 be speculating, right, as to their level of income? 11:41</p> <p>5 MR. FRANKLIN: Argumentative. 11:41</p> <p>6 THE WITNESS: I just know what I've heard 11:41</p> <p>7 in the surf community and what I've observed. You 11:41</p> <p>8 know, however, I haven't seen their income 11:41</p> <p>9 statements, so I don't know specifically how much 11:41</p> <p>10 money everyone makes. 11:41</p> <p>11 BY MS. HEWITT: 11:41</p> <p>12 Q You'd be speculating as to that; right? 11:41</p> <p>13 MR. FRANKLIN: Argumentative. 11:41</p> <p>14 THE WITNESS: I would be speculating as to 11:41</p> <p>15 how much money people make, yes. 11:41</p> <p>16 BY MS. HEWITT: 11:41</p> <p>17 Q Okay. When you've gone to Lunada Bay, 11:41</p> <p>18 have you ever told anybody how much money you make? 11:42</p> <p>19 A I have not. 11:42</p> <p>20 Q All right. Okay. We're going to look at 11:42</p> <p>21 the complaint, let me give you a copy. 11:42</p> <p>22 Complaint was previously marked as 11:42</p> <p>23 Exhibit 41. 11:42</p> <p>24 (Exhibit 41, complaint, was previously 11:42</p> <p>25 marked for identification and is attached 11:42</p> <p style="text-align: right;">Page 97</p>

1	hereto.)	11:42	1	Q	When did you first start surfing?	11:45
2	BY MS. HEWITT:	11:42	2	A	I believe that I took my first lesson	11:45
3	Q	Here you go.	3		around September or October 2014 approximately.	11:45
4	MS. HEWITT:	Does anybody need one?	4	Q	Okay. How did you decide to start	11:45
5	MR. HAVEN:	I'll take one if you need an	5		surfing?	11:45
6	extra.	11:42	6	A	I have always loved the water and the	11:45
7	MS. HEWITT:	Of course. I have extras.	7		ocean, I grew up as a competitive swimmer, I did	11:45
8	MR. HAVEN:	Okay, thank you.	8		many sports growing up my. Interest in surfing was	11:46
9	BY MS. HEWITT:	11:42	9		sparked by paddleboarding. I started paddleboarding	11:46
10	Q	Okay.	10		on a trip to Hawaii and I enjoyed it. And I also	11:46
11	MR. DIEFFENBACH:	What's the exhibit	11		lived right on the beach. At one point we had a	11:46
12	number?	11:43	12		house right on the ocean and it seemed like	11:46
13	MS. HEWITT:	It's 41.	13		something fun to start.	11:46
14	BY MS. HEWITT:	11:43	14	Q	When you say, "We had a house on the	11:46
15	Q	Ms. Reed, will you turn to Page 13,	15		ocean," who was that?	11:46
16	please, and the page numbers are at the bottom.	11:43	16	A	Me and my ex-husband.	11:46
17	Are you there? Go ahead, take the clip	11:43	17	Q	So did you have that house in Malibu?	11:46
18	off, it would probably be easier for you.	11:43	18	A	Yes.	11:46
19	All right. If we're looking at Line 13,	11:43	19	Q	But before January 29, 2016, on how many	11:46
20	do you see the numbers on the left side, Ms. Reed?	11:43	20		occasions had you been big wave surfing?	11:46
21	A	Hmm-mm.	21		MR. FRANKLIN: Vague and ambiguous.	11:46
22	Q	It will correspond with the sentences	22		THE WITNESS: What do you mean by big wave	11:46
23	we'll refer to.	11:43	23		surfing?	11:46
24	"On January 29, 2016, plaintiff Diana	11:43	24	BY MS. HEWITT:	11:46	
25	Milena Reed, who is an aspiring big wave surfer" --	11:43	25	Q	Whatever you mean by big wave surfing in	11:46
		Page 98				Page 100
1	what is an aspiring big wave surfer?	11:43	1		the complaint.	11:47
2	A	It is someone who aspires to become a big	2		MR. FRANKLIN: Vague and ambiguous.	11:47
3	wave surfer.	11:43	3		THE WITNESS: In the complaint I say that	11:47
4	Q	What is a big wave surfer as opposed to	4		I'm an aspiring big wave surfer.	11:47
5	any kind of surfer?	11:44	5	BY MS. HEWITT:	11:47	
6	A	A big wave surfer is someone that surfs	6	Q	Right.	11:47
7	big waves.	11:44	7	A	What that means to me is it's something	11:47
8	Q	Is there a certain -- I don't know, I	8		that I would like to do.	11:47
9	don't anything about surfing -- is there a certain	11:44	9	Q	Had you ever been big wave surfing before	11:47
10	height of the wave that's considered a big wave?	11:44	10		January 29, 2016?	11:47
11	A	I think it varies from individual to	11	A	I'm an aspiring big wave surfer and I	11:47
12	individual on their definition.	11:44	12		don't consider myself a big wave surfer. I consider	11:47
13	Q	How long had you been an aspiring big wave	13		it a goal.	11:47
14	surfer before January 29, 2016?	11:44	14	Q	Does that mean, no, you've never been big	11:47
15	A	I really love surfing and I enjoy pushing	15		wave surfing before January 29, 2016?	11:47
16	my limits and, you know, surfing is something that I	11:44	16		MR. FRANKLIN: Vague and ambiguous.	11:47
17	want to get better and better at. And since I've --	11:44	17		THE WITNESS: It just depends what you	11:47
18	since I started, I enjoyed surfing waves that were	11:44	18		mean by big wave surfing. It's hard for me to	11:47
19	challenging to me.	11:44	19		answer your question because I don't know what	11:47
20	Q	Prior to January 29th, 2016, how many	20		you're asking me exactly.	11:47
21	times had you been surfing, at all, any beach?	11:44	21	BY MS. HEWITT:	11:47	
22	A	Since I started surfing, I was surfing	22	Q	Okay. It says in your complaint that you	11:47
23	pretty regularly, about three times a week at first,	11:45	23		are an aspiring big wave surfer on January 29, 2016.	11:47
24	and once I started surfing consistently, I was	11:45	24		I'm an aspiring marathon runner, I haven't	11:47
25	surfing every day.	11:45	25		quite gotten there, but I've done a half.	11:47
		Page 99				Page 101

<p>1 Had you ever done anything you would 11:47</p> <p>2 consider to be big wave surfing before January 29th, 11:47</p> <p>3 2016? Had you even attempted it once in your mind 11:47</p> <p>4 whatever is big wave surfing? 11:48</p> <p>5 A I've surfed waves that were challenging to 11:48</p> <p>6 me and, you know, were way over my head, and I've 11:48</p> <p>7 been in conditions that definitely challenged me 11:48</p> <p>8 both mentally and physically, but I'm not a big wave 11:48</p> <p>9 surfer and that's something that I would -- I would 11:48</p> <p>10 love to do down the line. 11:48</p> <p>11 Q So have you ever surfed a big wave up to 11:48</p> <p>12 this point right now? 11:48</p> <p>13 MR. FRANKLIN: Vague and ambiguous. 11:48</p> <p>14 THE WITNESS: It just depends what you 11:48</p> <p>15 mean by a big wave. A wave that's big to me right 11:48</p> <p>16 now might be really small to Laird Hamilton. 11:48</p> <p>17 There's all kinds of waves. There's waves that are 11:48</p> <p>18 80 feet, there's waves that are eight feet. Someone 11:48</p> <p>19 might think that an eight-foot wave is big and 11:48</p> <p>20 someone else might think it's small, so it's very 11:48</p> <p>21 hard for me to answer that question. 11:48</p> <p>22 BY MS. HEWITT: 11:48</p> <p>23 Q Are you still an aspiring big wave surfer? 11:48</p> <p>24 A Yes, I am. 11:48</p> <p>25 Q All right. And the next part of that 11:49</p> <p style="text-align: right;">Page 102</p>	<p>1 attempt. 11:50</p> <p>2 Q I think earlier we decided that we weren't 11:50</p> <p>3 sure whether or not you'd been to Lunada Bay before 11:50</p> <p>4 that day. 11:50</p> <p>5 A I didn't say that. 11:50</p> <p>6 Q My fault. 11:50</p> <p>7 Had you been to Lunada Bay before 11:50</p> <p>8 January 29, 2016? 11:50</p> <p>9 A I had been to the top of the bluff. 11:50</p> <p>10 Q Top of the bluff, okay. 11:50</p> <p>11 Do you remember -- is it like towards the 11:50</p> <p>12 beginning of January, middle of January? 11:50</p> <p>13 A It was towards the beginning of January. 11:50</p> <p>14 I think that it was around the 6th of January 11:50</p> <p>15 approximately. 11:50</p> <p>16 Q And before that time on approximately the 11:50</p> <p>17 6th of January, had you ever been to the top of the 11:50</p> <p>18 bluff at Lunada Bay before? 11:50</p> <p>19 A I don't think so. I may have at one point 11:51</p> <p>20 driven up the coast looking at the coast, but I 11:51</p> <p>21 don't know if I stopped at Lunada Bay or not. And 11:51</p> <p>22 that wasn't for surfing. It was for scenic reasons. 11:51</p> <p>23 Q Okay. Just to be clear so I don't get it 11:51</p> <p>24 wrong again: Before January 6, 2016, had you ever 11:51</p> <p>25 been down to the beach at Lunada Bay? 11:51</p> <p style="text-align: right;">Page 104</p>
<p>1 sentence it says you wanted to paddle out to 11:49</p> <p>2 experience the large waves found off Lunada Bay. 11:49</p> <p>3 In this sentence in your complaint here, 11:49</p> <p>4 did you mean that you wanted to go out and try to 11:49</p> <p>5 surf or you just wanted to paddle off to -- paddle 11:49</p> <p>6 out to see what the waves looked like? 11:49</p> <p>7 MR. FRANKLIN: Vague and ambiguous. 11:49</p> <p>8 THE WITNESS: I wanted to paddle out to 11:49</p> <p>9 surf. 11:49</p> <p>10 BY MS. HEWITT: 11:49</p> <p>11 Q Did you intend to surf? 11:49</p> <p>12 A I did intend to surf, yes. 11:49</p> <p>13 Q Did you feel prepared that day to catch a 11:49</p> <p>14 big wave, whatever you thought was a big wave that 11:49</p> <p>15 day? 11:49</p> <p>16 A I felt prepared that day to attempt to 11:49</p> <p>17 catch some of the waves on the inside for the 11:49</p> <p>18 conditions that were out that day. 11:49</p> <p>19 Q How did you decide to go to Lunada Bay 11:49</p> <p>20 that day? 11:49</p> <p>21 A I don't remember specifically how I 11:49</p> <p>22 decided to go to Lunada Bay that day. I would 11:50</p> <p>23 assume that the swell -- there was a good swell and 11:50</p> <p>24 it wasn't, you know, too big, you know, and it was a 11:50</p> <p>25 size that was something that I could try and 11:50</p> <p style="text-align: right;">Page 103</p>	<p>1 A I didn't go down to the beach on 11:51</p> <p>2 January 6th. 11:51</p> <p>3 Q I understand that, I'm just making sure 11:51</p> <p>4 before that date you had never gone to the beach 11:51</p> <p>5 there? 11:51</p> <p>6 A No. 11:51</p> <p>7 Q And had you ever stopped at Lunada Bay at 11:51</p> <p>8 all before January 6, 2016? 11:51</p> <p>9 MR. FRANKLIN: Asked and answered. 11:52</p> <p>10 THE WITNESS: Yeah, I may have when I was 11:52</p> <p>11 looking at the coast, I don't know. 11:52</p> <p>12 BY MS. HEWITT: 11:52</p> <p>13 Q Okay. So in January 6, 2016, where did 11:52</p> <p>14 you stop on the bluff? 11:52</p> <p>15 A I went there to watch my friend surf. 11:52</p> <p>16 Q Who was that? 11:52</p> <p>17 A It was a big day. Much too big for me. 11:52</p> <p>18 So I just went there to watch. 11:52</p> <p>19 Q Who was your friend? 11:52</p> <p>20 A Well, my friend Jordan Wright, boyfriend, 11:52</p> <p>21 and his friends. 11:52</p> <p>22 Q Who was his friends that you went to 11:52</p> <p>23 watch? 11:52</p> <p>24 A One of them was my friend Preston, I don't 11:52</p> <p>25 remember his last name. A friend of Jordan's called 11:52</p> <p style="text-align: right;">Page 105</p>

<p>1 Noah. And a couple of other people but I don't 11:52</p> <p>2 remember their names. 11:53</p> <p>3 Q Do you remember if Chris Taloa was there? 11:53</p> <p>4 A I don't think that Chris was there. Oh, 11:53</p> <p>5 and there was someone -- another friend of Jordan's 11:53</p> <p>6 also, called Billy, that was there. 11:53</p> <p>7 Q Did they, in fact, surf there as far as 11:53</p> <p>8 you can tell? 11:53</p> <p>9 A They did surf there, yes. 11:53</p> <p>10 Q And did you go with Jordan -- and you just 11:53</p> <p>11 stayed on top of the bluff -- did you drive 11:53</p> <p>12 separately? 11:53</p> <p>13 A I don't remember if we rode together or 11:53</p> <p>14 not, I don't remember, but we walked down -- all of 11:53</p> <p>15 us walked down there together. 11:53</p> <p>16 Q Okay. Was Jordan your boyfriend at the 11:53</p> <p>17 time? 11:53</p> <p>18 A I think so. I don't know. I don't know 11:53</p> <p>19 if we considered ourselves that serious at the time. 11:53</p> <p>20 I don't know. I think so. I mean, we were seeing 11:54</p> <p>21 each other, hmm-mm. 11:54</p> <p>22 Q Okay. How long had you been seeing Jordan 11:54</p> <p>23 do you think at that point in time? 11:54</p> <p>24 A Like I said, we had been seeing each other 11:54</p> <p>25 for approximately a year, but like we weren't, you 11:54</p> <p style="text-align: right;">Page 106</p>	<p>1 if I had hesitation or not. I wasn't surfing so 11:55</p> <p>2 there wasn't as much pressure on me. 11:55</p> <p>3 BY MS. HEWITT: 11:55</p> <p>4 Q Before you went to Lunada Bay on 11:55</p> <p>5 January 6th, had you heard about Lunada Bay? 11:55</p> <p>6 A I have heard about Lunada Bay from the 11:56</p> <p>7 surf community, yes. 11:56</p> <p>8 Q What had you heard? 11:56</p> <p>9 A I heard that it's the best and one of the 11:56</p> <p>10 only true deep water big wave spots in 11:56</p> <p>11 Southern California. 11:56</p> <p>12 Q And when you were there on January 6th, 11:56</p> <p>13 how long were you there? 11:56</p> <p>14 A It's hard for me to know approximately how 11:56</p> <p>15 long we were there. But I think from the time that 11:56</p> <p>16 we pulled up to the time that we left, I mean, it 11:56</p> <p>17 was a span of at least two hours I would think. 11:56</p> <p>18 Q Okay. Is there anything specifically you 11:56</p> <p>19 recall about that visit to Lunada Bay? 11:56</p> <p>20 A Yeah, what specifically would you like to 11:56</p> <p>21 know? 11:56</p> <p>22 Q Did you come into contact with anybody who 11:56</p> <p>23 harassed you that day or intimidated you? 11:56</p> <p>24 A It was raining that day and very muddy and 11:56</p> <p>25 there wasn't anyone out that day. 11:57</p> <p style="text-align: right;">Page 108</p>
<p>1 know, boyfriend and girlfriend right when we started 11:54</p> <p>2 seeing each other. I mean, I don't remember when we 11:54</p> <p>3 officially started calling each other boyfriend and 11:54</p> <p>4 girlfriend. I mean, we called each other friends 11:54</p> <p>5 for a while and we were friends for quite a while 11:54</p> <p>6 before we got involved. 11:54</p> <p>7 Q When you went there in January 6, 2016, 11:54</p> <p>8 you said you walked there. 11:54</p> <p>9 Do you remember why -- or did Jordan ever 11:54</p> <p>10 tell you why they were going to surf there today -- 11:54</p> <p>11 not today, that day? 11:54</p> <p>12 A They were going to surf there because 11:54</p> <p>13 there was a big swell, and the waves -- there were 11:54</p> <p>14 big waves. It was the day before his birthday, or 11:55</p> <p>15 his birthday, I don't remember if it was exactly the 11:55</p> <p>16 6th, but it was right around his birthday. And, you 11:55</p> <p>17 know, the conditions were good to them, so they 11:55</p> <p>18 wanted to go and I wanted to go watch. 11:55</p> <p>19 Q Okay. Had Jordan ever surfed there before 11:55</p> <p>20 as far as you know? 11:55</p> <p>21 A As far as I know, he has. 11:55</p> <p>22 Q Okay. Did you have any hesitation of going 11:55</p> <p>23 to Lunada Bay that day on January 6th? 11:55</p> <p>24 MR. FRANKLIN: Vague and ambiguous. 11:55</p> <p>25 THE WITNESS: I don't recall specifically 11:55</p> <p style="text-align: right;">Page 107</p>	<p>1 Q So you didn't come in contact with anybody 11:57</p> <p>2 who harassed or intimidated you that day; is that 11:57</p> <p>3 correct? 11:57</p> <p>4 A No, because there was no individuals out 11:57</p> <p>5 that I can remember. 11:57</p> <p>6 Q So yes, that's correct? 11:57</p> <p>7 MR. FRANKLIN: Asked and answered. 11:57</p> <p>8 THE WITNESS: It's correct that me -- that 11:57</p> <p>9 I was one of the only people out there along with my 11:57</p> <p>10 friend who was photographing, and there weren't 11:57</p> <p>11 people there to talk to us so we were not harassed 11:57</p> <p>12 since we were the only people there that I could 11:57</p> <p>13 see. 11:57</p> <p>14 BY MS. HEWITT: 11:57</p> <p>15 Q Okay. And same question for intimidation? 11:57</p> <p>16 A Yes. 11:57</p> <p>17 Q And did you experience any vandalism that 11:57</p> <p>18 day? 11:57</p> <p>19 A No, we did not. 11:57</p> <p>20 Q All right. Now, during that visit did you 11:57</p> <p>21 talk with anybody who was present about any negative 11:57</p> <p>22 experience at Lunada Bay? 11:57</p> <p>23 MR. FRANKLIN: Vague and ambiguous. 11:57</p> <p>24 THE WITNESS: I don't remember if I 11:57</p> <p>25 specifically discussed that. 11:58</p> <p style="text-align: right;">Page 109</p>

1 BY MS. HEWITT: 11:58	1 localism there and that you have to go there in 12:00
2 Q All right. And prior to January 29, 2016, 11:58	2 groups. 12:01
3 for how long had you wanted to surf at Lunada Bay? 11:58	3 Q Okay. And you believe he told you that 12:01
4 A Since I first heard about Lunada Bay it's 11:58	4 before January 29, 2016? 12:01
5 been a goal of mine to work up towards. 11:58	5 A Yeah, he did explain to me that localism 12:01
6 Q I assume that's after you started surfing 11:58	6 exists there but I don't know if I fully understood 12:01
7 but I could be wrong, was it after you started 11:58	7 it at the time as I had not experienced any kind of 12:01
8 surfing? 11:58	8 localism until Lunada Bay. 12:01
9 A It's after I started surfing, yes. 11:58	9 Q Can you remember anybody else you heard 12:01
10 Q So sometime from 2014 forward is when you 11:58	10 about it before January 29, 2016? 12:01
11 first heard about Lunada Bay? 11:58	11 A Yes, as I said, I heard about it here and 12:01
12 A Yes, I don't remember specifically who I 11:58	12 there in the surf community. 12:01
13 heard about it from. 11:58	13 Q My fault. Do you remember any specific 12:01
14 Q But let's see, you took your first lesson 11:58	14 people that you heard it from? 12:01
15 around September 2014; it was sometime either there 11:58	15 A I don't remember specific people. You 12:01
16 or thereafter that you first heard about Lunada Bay? 11:58	16 know, there's a lot of people that you talk to in 12:01
17 A Yeah, I would assume that it was -- it was 11:58	17 the surf community but you don't remember their name 12:01
18 after December of 2014 when I started to take 11:58	18 but you remember their face. 12:01
19 surfing more seriously. 11:59	19 Q So is it fair to say that the only person 12:01
20 Q In your complaint, you referenced the term 11:59	20 who you remember specifically, as far as their name 12:01
21 "localism," what does localism mean to you? 11:59	21 goes, telling you about localism before January 29th 12:01
22 A Well, I'm very new to the surfing 11:59	22 is Jordan? 12:02
23 community so localism is not something that I've 11:59	23 A He's the only person whose name I remember 12:02
24 experienced outside of Lunada Bay. But what I 11:59	24 but I do remember people's faces. 12:02
25 experienced at Lunada Bay would define localism, 11:59	25 Q Right, the only person whose name you 12:02
Page 110	Page 112
1 meaning locals trying to deter nonlocal surfers from 11:59	1 remember? 12:02
2 going to or surfing at that spot. 11:59	2 A Yes. 12:02
3 Q All right. Had you ever heard about 11:59	3 Q You don't recall any other names; is that 12:02
4 localism as you just described it at Lunada Bay 11:59	4 correct? 12:02
5 prior to January 29, 2016? 11:59	5 A I believe so. 12:02
6 A I've heard various things in the surf 12:00	6 Q And we were talking about Chris Taloa 12:02
7 community. 12:00	7 earlier. 12:02
8 Q Okay. From whom did you hear these 12:00	8 A Hmm-mm. 12:02
9 things? 12:00	9 Q Had you ever looked at a Facebook site 12:02
10 A You know, I don't remember from who 12:00	10 that Chris Taloa had prior to January 29, 2016, that 12:02
11 specifically. Just from other surfers that I would 12:00	11 relates to surfing? 12:02
12 meet when I was out surfing. 12:00	12 A I did look at his page but I don't believe 12:02
13 Q How would it come up? 12:00	13 that it was before January 29th. It's hard for me 12:02
14 MR. FRANKLIN: Vague and ambiguous. 12:00	14 to know the date but I think that all of my 12:02
15 THE WITNESS: I don't -- I don't remember. 12:00	15 interaction with him was after that date. 12:02
16 I mean, just everyone is always talking while you're 12:00	16 Q Do you have any understanding of what 12:02
17 out surfing. 12:00	17 Mr. Taloa's Facebook page pertains to as it relates 12:03
18 BY MS. HEWITT: 12:00	18 to surfing? 12:03
19 Q Was it Jordan Wright? 12:00	19 A I haven't been on his page, you know, 12:03
20 A Jordan also told me about it as well. 12:00	20 much, but from what my understanding is, is that his 12:03
21 Q What did Jordan tell you? 12:00	21 page is there to try to get people to go surf 12:03
22 A You know, I don't remember specifically 12:00	22 Lunada Bay, is my understanding of it. 12:03
23 what he told me at the time, but I do remember him 12:00	23 Q And have you ever discussed the page with 12:03
24 telling me that it's the best big wave spot in 12:00	24 Mr. Taloa? 12:03
25 Southern California and he's told me that there is 12:00	25 A I don't know. I don't know if I've talked 12:03
Page 111	Page 113

1 to him about his page or not. 12:03	1 Had I expressed an interest in going 12:06
2 Q How many times have you talked to 12:03	2 there? Yes. 12:06
3 Mr. Taloa specifically? 12:03	3 Q Okay. Who organized the trip? 12:06
4 A Just, you know, every time that I've seen 12:03	4 A I don't know. I don't know who organized 12:06
5 him, I've said hello, I... 12:03	5 the trip. 12:06
6 Q How many times approximately? 12:03	6 Q Prior to going that day, were you worried 12:06
7 A It's hard for me to say, I don't know. 12:03	7 about any localism at Lunada Bay? 12:06
8 Q You think more than five times? 12:03	8 A Yes, I was worried about localism. 12:06
9 A I don't know if more than five times, but 12:03	9 Q What were you worried about specifically? 12:06
10 around then sounds right. 12:04	10 A I didn't really know what to expect, but I 12:06
11 Q Prior to January 29, 2016, had you ever 12:04	11 had heard stories of localism so, you know, I 12:06
12 visited Palos Verdes Estates, putting aside 12:04	12 expected some kind of difficulty in the water, you 12:06
13 Lunada Bay, but had you ever visited Palos Verdes 12:04	13 know, people cutting me off maybe. But, again, I 12:07
14 Estates? 12:04	14 had never experienced localism so the entire concept 12:07
15 A I don't recall ever visiting it. Like I 12:04	15 was pretty new to me. 12:07
16 said, I do remember once driving up the coast and 12:04	16 Q When you were planning the trip, did 12:07
17 looking up the coast, but I -- you know, I never 12:04	17 you -- were you planning on meeting somebody there 12:07
18 specifically drove there to visit of the city, no. 12:04	18 besides going with Jordan? 12:07
19 Q How far approximately is Lunada Bay from 12:04	19 A I don't remember exactly if it was 12:07
20 where you live right now? 12:04	20 organized or how. But I do remember that other 12:07
21 A From where I live in Topanga? 12:04	21 people met us there. 12:07
22 Q Hmm-mm. 12:04	22 Q Who met you there? 12:07
23 A You know, I don't know, I've never 12:04	23 A I remember when we arrived that Cory was 12:07
24 actually driven to where I live in Topanga to 12:04	24 there at some point. I think he had already 12:07
25 Lunada Bay. I think it would largely depend on 12:04	25 finished surfing, I think, and was on the bluff. I 12:07
Page 114	Page 116
1 traffic. Probably anywhere between, you know, maybe 12:05	1 don't remember, you know, specifically the names of 12:07
2 30 to 40 minutes, maybe an hour. 12:05	2 the other people that were there. 12:08
3 Q Do you know how many miles that is? 12:05	3 Q Okay. Was Chris Taloa there? 12:08
4 A No, I would have to look at a map, I'm not 12:05	4 A I don't know. I don't know if Chris was 12:08
5 sure. 12:05	5 there. He may have been but I don't know if he was 12:08
6 Q All right. That's why we have Google 12:05	6 surfing or not surfing or what he was doing. But I 12:08
7 maps; right? 12:05	7 do think he was there. 12:08
8 So going back to January 29, 2016, did you 12:05	8 Q Okay. 12:08
9 recall having any discussions with Mr. Wright about 12:05	9 A It's just hard for me to remember. 12:08
10 going there -- planning the visit on January 29th? 12:05	10 Q Do you remember talking to Cory that day? 12:08
11 A I'm sorry, you're asking me on which date? 12:05	11 A I remember meeting Cory on top of the 12:08
12 Q January 29th. 12:05	12 bluff and I'm assuming that this was the day. 12:08
13 A So prior to January 29th did I speak to 12:05	13 Q Do you remember anything he told you? 12:08
14 him about going on January 29th? 12:05	14 A When I met Cory, I remember him telling me 12:08
15 Q Yeah, did you both talk about or plan your 12:05	15 that -- I don't know if he told me this directly or 12:08
16 visit for January 29th? 12:05	16 if -- I remember there was other people around, too. 12:08
17 A I don't know. I know that I had expressed 12:05	17 But I remember him telling me what his profession is 12:08
18 an interest in surfing there and I know that we were 12:05	18 and I remember him telling us at one point that 12:08
19 waiting for a day that wasn't too big, you know, 12:05	19 someone had run him over in the water, cut his hand 12:09
20 where I could actually attempt to paddle out. But 12:06	20 or something. 12:09
21 that's the thing with surfing is it's -- you can't 12:06	21 But I don't believe that I spoke to him 12:09
22 really plan very much in advance because it depends 12:06	22 about that directly so I might have heard it in 12:09
23 on, you know, on the weather, on the swells, on a 12:06	23 passing. 12:09
24 number of, you know, factors that have to do with 12:06	24 Q Okay. You might have heard a conversation 12:09
25 nature, so it's hard to say that I planned it. 12:06	25 you had with somebody else -- 12:09
Page 115	Page 117

<p>1 A Yes. Yeah, what I remember is when I 12:09 2 arrived there the first thing that I did is go look 12:09 3 at the waves and try and understand the break and 12:09 4 try to understand, you know, where to paddle out. 12:09 5 Whenever I go somewhere that I haven't surfed 12:09 6 before, I try to take some time to watch the surf 12:09 7 and that was I remember primarily what I was doing 12:09 8 and what I was focused on, is to gain an 12:09 9 understanding of the conditions that day. 12:09 10 Q Did you take your board? 12:09 11 A I took the board with me in the car. I 12:09 12 didn't have the board with me as I was standing 12:10 13 there looking at the waves. 12:10 14 Q Did you intend to go get the board later? 12:10 15 A I intended to surf that day. 12:10 16 Q What time did you get there? 12:10 17 A I don't remember specifically what time we 12:10 18 got there. I remember it was -- it was mid to early 12:10 19 morning. It was already daylight. I remember we 12:10 20 got there when it was already daylight. 12:10 21 Q Did you go with anybody but Jordan? 12:10 22 MR. FRANKLIN: Asked and answered. 12:10 23 BY MS. HEWITT: 12:10 24 Q In your car, sorry? 12:10 25 A In the car, no, just me and Jordan went 12:10 Page 118</p>	<p>1 harassment or intimidation when you were there on 12:11 2 January 29th? 12:11 3 A Yes. 12:11 4 Q What was that? 12:11 5 A From what I recall when, you know, from 12:11 6 the moment that we arrived we were experiencing 12:12 7 harassment. 12:12 8 Q Okay. Can you describe what the 12:12 9 harassment was? 12:12 10 A I remember that people were circling 12:12 11 around the car when we parked and, you know, some 12:12 12 people yelled at us and said that we're kooks. And 12:12 13 there were other people, other bay boys on the bluff 12:12 14 that were looking at us and there were people 12:12 15 recording us. 12:12 16 So the situation there seemed very tense. 12:12 17 Q Let's start with the people circling your 12:12 18 car, how many people circled your car? 12:12 19 A I don't remember how many people, but I 12:12 20 remember, you know -- I remember a car driving by, I 12:12 21 remember a car driving by and having people yell at 12:12 22 us also. 12:12 23 Q Okay. How many cars drove by and yelled 12:12 24 things at you? 12:13 25 A I remember one car that yelled things at 12:13 Page 120</p>
<p>1 there together. 12:10 2 Q And after you heard maybe Cory's 12:10 3 conversation with somebody else, did it cause you 12:10 4 any concern? 12:10 5 A I'm sure it did. 12:10 6 Q As you sit here today, do you remember any 12:10 7 particular concern it caused you? 12:10 8 A I don't remember specifically, no. 12:10 9 Q All right. Once you went to look at the 12:11 10 conditions -- 12:11 11 A Sorry if I'm a little bit distracted. My 12:11 12 baby is kicking like crazy now. 12:11 13 Q Sure. 12:11 14 When you went to go look at the 12:11 15 conditions, did you speak to anybody, anybody talk 12:11 16 to you? 12:11 17 A Yeah, I mean, like I said, I had some 12:11 18 conversations with some people on the bluff, but I 12:11 19 kind of, I guess, get in the zone when I'm watching 12:11 20 the surf, and I was just trying to really watch and 12:11 21 gain an understanding of the conditions that day. 12:11 22 And I did have conversations with people, 12:11 23 it's just it's hard for me to remember at the moment 12:11 24 specifically what was said. 12:11 25 Q So at some point did you experience any 12:11 Page 119</p>	<p>1 us. 12:13 2 Q Going back to the circling, is it people 12:13 3 or cars that circled your car? 12:13 4 A I know it was cars. Whether or not people 12:13 5 did that, there may have been people on bikes that 12:13 6 did that, I don't remember at the moment. 12:13 7 Q What were people shouting at you? 12:13 8 A They shouted that we were kooks. 12:13 9 Q What else? 12:13 10 A I remember at some point people telling us 12:13 11 that we can't surf there. 12:13 12 Q Is this all at the same time these things 12:13 13 are being shouted at you? 12:13 14 A I don't remember if it was at the same 12:13 15 time or not. 12:13 16 Q Where were you specifically at this 12:13 17 particular time when these things were being shouted 12:13 18 at you? 12:13 19 A Well, I specifically remember when they 12:13 20 shouted that they were kooks, I remember that we 12:14 21 were either just getting out of the car or just 12:14 22 pulling up, I don't remember specifically, but... 12:14 23 Q Did you say anything back to them? 12:14 24 A No, I didn't. 12:14 25 Q How about Jordan? 12:14 Page 121</p>

1	A	I don't think he did.	12:14	1	names other than Diana?	12:28
2	Q	Other than kooks and can't surf there, do	12:14	2	A	Just maybe nicknames when I was a kid, but
3		you remember them saying anything else to you at	12:14	3	no.	12:28
4		that particular time?	12:14	4	Q	Going back briefly to your time at Florida
5	A	At the time right now it's hard for me to	12:14	5		State and your legal matter with the accommodations,
6		remember all of the little details. I mean, I -- I	12:14	6		what accommodations were you asking for?
7		don't know if they were yelling profanities or not,	12:14	7	A	I don't remember the case very well. I
8		I just -- I don't remember. I think that -- I think	12:14	8		remember I was asking for accommodations related to
9		that at one point someone did yell profanities but	12:14	9		my disability but I don't remember the specifics.
10		it's just hard for me to remember right now.	12:14	10	Q	What was the disability?
11	Q	Where were the people who were shouting	12:14	11	A	You know, it was problems with my back.
12		these things at you, were they the ones in the car	12:14	12	Q	What were those problems?
13		or people standing somewhere?	12:14	13		MR. FRANKLIN: Asked and answered.
14	A	They were the people in the car that I	12:14	14		THE WITNESS: I don't remember the
15		remember.	12:15	15		specifics of the case at this time.
16	Q	So they eventually drive by; right?	12:15	16		BY MS. HEWITT:
17	A	Hmm-mm.	12:15	17	Q	During the course of the case, do you
18	Q	And do they come back?	12:15	18		remember any issues that came up in which it was
19	A	I don't know if that same car came back or	12:15	19		discussed what you needed in order to be able to --
20		not. I don't remember.	12:15	20		be able to continue at Florida State, like what were
21	Q	All right.	12:15	21		you asking for?
22	A	Then after the next question, if you don't	12:15	22	A	Like I said, it was a long time ago, I
23		mind if I can take a bathroom break.	12:15	23		really don't remember.
24		MS. HEWITT: Sure, why don't we take a	12:15	24	Q	Are any of the accommodations you're
25		bathroom break now.	12:15	25		asking for -- I think earlier you said it was
Page 122				Page 124		
1	1	THE VIDEOGRAPHER: This concludes video	12:15	1	related to scoliosis; right?	12:29
2		12:15 2 file three and we're off the record		2	A	Yeah.
3	at	and	12:15	3	Q	Okay. Whatever disability you had at that
4	3	we're clear.	12:15	4		time, do you know if it's been resolved?
5	4	(Break taken.)	12:27	5	A	What do you mean by that?
6	5	THE VIDEOGRAPHER: This commences video	12:27	6	Q	Do you still have it, whatever the
7		12:27 6 file four, we are on the record at		7		condition is?
8	7	BY MS. HEWITT:	12:27	8	A	I have the same condition with my back
9	8	Q Ms. Reed, have you ever gone by any other	12:27	9		that I had at the time then, yes.
10	9	names?	12:27	10	Q	So whatever accommodations you needed back
11	10	A Other than what name?	12:27	11		then, is it true that you still need them now?
12	11	Q Other than Diana Milena Reed?	12:27	12		MR. FRANKLIN: Vague and ambiguous.
13	12	A Yes.	12:27	13		THE WITNESS: I don't know. I mean, my
14	13	Q What names?	12:27	14		condition changes, you know, depending on if I've
15	14	A Reed is my married name.	12:27	15		been injured or not or my level of activity.
16	15	Q Okay.	12:27	16		BY MS. HEWITT:
17	16	A And then my maiden name is.	12:27	17	Q	Okay. Understanding it might be affected
18	17	Q Can you spell that, please?	12:27	18		by your condition right now, but is there anything
19	18	A Yes. I'll give you the full name.	12:27	19		related to your disability, your back issues, that
20	19	Q Great.	12:27	20		still affects you today that you can tell me today?
21	20	A It's Smoluchowska-Miernik. I've also used	12:27	21	A	Well, definitely makes my pregnancy more
22	21	Miernik by itself, last name.	12:28	22		difficult.
23	22	Q And that whole hyphenated name is your	12:28	23	Q	How so? Does your back hurt more often?
24	23	maiden name?	12:28	24	A	It does hurt more often now that I'm
25	24	A Yes.	12:28	25		pregnant, yes.
25	25	Q Have you ever gone by any other first	12:28	Page 125		
Page 123				Page 125		

<p>1 Q Are there any other symptoms that you 12:30</p> <p>2 suffer from still with regard to the disability that 12:30</p> <p>3 you complained of at Florida State? 12:30</p> <p>4 MR. FRANKLIN: Vague and ambiguous. 12:30</p> <p>5 THE WITNESS: I don't remember, you know, 12:30</p> <p>6 what the complaint was specifically. 12:31</p> <p>7 BY MS. HEWITT: 12:31</p> <p>8 Q But you know it still affects you today; 12:31</p> <p>9 right? 12:31</p> <p>10 A I know that I have issues with my back, 12:31</p> <p>11 yes. 12:31</p> <p>12 Q All right. Do any of those issues affect 12:31</p> <p>13 your ability to surf? 12:31</p> <p>14 A I have not had issues with my back that 12:31</p> <p>15 have prevented me from surfing. I've been able to 12:31</p> <p>16 adapt my surfing to my disability. 12:31</p> <p>17 Q And how have you done that? 12:31</p> <p>18 A I don't understand. 12:31</p> <p>19 Q You said you've been able to adapt your 12:31</p> <p>20 surfing to your disability. How have you done that? 12:31</p> <p>21 A I mean, I don't know. I'm able to surf. 12:31</p> <p>22 Q Do you have to do anything special with 12:31</p> <p>23 regard to your disability in order to surf? 12:31</p> <p>24 A I don't put any weight on my back, you 12:31</p> <p>25 know, surfing. I'm just standing on the board. Is 12:31</p> <p style="text-align: right;">Page 126</p>	<p>1 Q Yes? 12:33</p> <p>2 A -- 2016? 12:33</p> <p>3 Okay. I've surfed on a lot of different 12:33</p> <p>4 beaches. You know, First Point in Malibu, Second 12:33</p> <p>5 Point in Malibu, Third Point in Malibu. County 12:33</p> <p>6 Line. The beach break behind County Line. Zeros. 12:33</p> <p>7 Zuma. Westward. I think Topanga, went there once. 12:33</p> <p>8 Most of the beaches in Malibu I'm trying 12:34</p> <p>9 to remember all the names. Also beaches up north, 12:34</p> <p>10 Silver Strand Beach in Oxnard. Ventura Point, C 12:34</p> <p>11 Street, those are beaches in Ventura. Ventura 12:34</p> <p>12 Overhead. Pitas, Rincon, Leo Carillo in Malibu, 12:34</p> <p>13 Heavens in Malibu. There's like a break behind 12:34</p> <p>14 Rincon that I surfed at -- I also surfed -- I went 12:35</p> <p>15 up north to Santa Cruz, Norcal, I surfed at The 12:35</p> <p>16 Lane, I surfed at Pleasure Point, Sewers. I surfed 12:35</p> <p>17 at a -- where was that break? I surfed at -- 12:35</p> <p>18 there's a town south of -- there's a town south of 12:35</p> <p>19 Santa Cruz that starts with a C, like a small city. 12:35</p> <p>20 MR. FRANKLIN: Capital. 12:35</p> <p>21 MS. HEWITT: Carpinteria? 12:35</p> <p>22 MR. COOPER: Cardiff. 12:35</p> <p>23 THE WITNESS: I think I have surfed at 12:35</p> <p>24 Cardiff, and I think I surfed at Trestles also and 12:35</p> <p>25 going -- I surfed different places in OC. 12:36</p> <p style="text-align: right;">Page 128</p>
<p>1 it harder for me to balance? Maybe, I don't know. 12:32</p> <p>2 I just do the best that I can to try to surf as well 12:32</p> <p>3 as I can. 12:32</p> <p>4 Q Have you ever stopped surfing for a period 12:32</p> <p>5 of time due to your back injury, or your back 12:32</p> <p>6 condition? 12:32</p> <p>7 A I did not stop surfing due to my back 12:32</p> <p>8 condition, I haven't had a need to. It hasn't 12:32</p> <p>9 aggravated my back. 12:32</p> <p>10 Q Going back to the period around 12:32</p> <p>11 September 2014 when you first started taking 12:32</p> <p>12 lessons, where did you take lessons? 12:32</p> <p>13 A I took lessons at Malibu at the pier -- 12:32</p> <p>14 Q Do you remember what company? 12:32</p> <p>15 A -- the beach there. 12:32</p> <p>16 Yeah, I took them from an individual. 12:32</p> <p>17 Q Who's that? 12:32</p> <p>18 A I'm terrible with names but I believe his 12:32</p> <p>19 name is Travis, his first name. Last name Stassart, 12:33</p> <p>20 S-t-a-s-s-a-r-t. 12:33</p> <p>21 Q And from September 2014 until January 29, 12:33</p> <p>22 2016, what beaches did you surf at? 12:33</p> <p>23 A So you're asking me what beaches I've 12:33</p> <p>24 surfed at from the time I started until 12:33</p> <p>25 January 29th -- 12:33</p> <p style="text-align: right;">Page 127</p>	<p>1 But going back to Santa Cruz -- yeah, I 12:36</p> <p>2 don't know, I surfed at a lot of secret spots in 12:36</p> <p>3 Santa Cruz with my coach that I don't even remember 12:36</p> <p>4 the names of. Where else did I surf? I don't know, 12:36</p> <p>5 I've surfed at a lot of spots. 12:36</p> <p>6 BY MS. HEWITT: 12:36</p> <p>7 Q It sounds like it. 12:36</p> <p>8 A Morro Bay. Morro Bay is interesting. And 12:36</p> <p>9 I've surfed -- there's a spot north of Morro Bay, 12:36</p> <p>10 it's a beach break, I don't remember the name of it, 12:36</p> <p>11 but I've surfed there, too. 12:36</p> <p>12 Q Going back to the complaint here. Where 12:36</p> <p>13 it says here, "Reed and Wright encountered members 12:36</p> <p>14 of the Lunada Bay Boys," who were the Lunada Bay 12:36</p> <p>15 Boys as you reference here in the complaint? 12:36</p> <p>16 A I don't know the specific names of the 12:36</p> <p>17 individuals. 12:37</p> <p>18 Q Are you able to describe who it was that 12:37</p> <p>19 screamed profanities at you on January 29, 2016? 12:37</p> <p>20 A I'm not able to describe the specific 12:37</p> <p>21 person that screamed profanities because I didn't 12:37</p> <p>22 get to see their face for long enough, and at the 12:37</p> <p>23 moment I don't remember, my memory is not very good. 12:37</p> <p>24 Q Did anybody else scream profanities at you 12:37</p> <p>25 other than the people in the car? 12:37</p> <p style="text-align: right;">Page 129</p>

1	A	At what point?	12:37	1	just paddled in, David.	12:39
2	Q	At any point on January 29, 2016.	12:37	2	Q What's David's last name?	12:40
3	A	The entire day?	12:37	3	A I'm not quite sure, but I think it's	12:40
4	Q	Yes.	12:37	4	S-l-u-y-s, something like that.	12:40
5	A	Yes, there were several instances.	12:37	5	Q So you -- Jordan wanted to wait for David	12:40
6	Q	Okay. So we went through the ones in the	12:37	6	to paddle in?	12:40
7	car.		12:37	7	A Yeah, I think so.	12:40
8		Let's go through the other times that	12:37	8	Q Did you want to wait for David to paddle	12:40
9	people screamed profanities at you on January 29,		12:37	9	in or did you want to leave?	12:40
10	2016, what was the next instance of those?		12:37	10	A I think I wanted to wait for him, too.	12:40
11	A	I believe there was an instance of people	12:37	11	Q Okay.	12:40
12	telling us that we can't surf there while we were on		12:37	12	A I don't remember. I think I was just, you	12:40
13	the bluff. There was the constant harassment of		12:37	13	know, listening to Jordan and trying to follow his	12:40
14	video cameras everywhere, recording everything.		12:38	14	guidance.	12:40
15	What else is the question asking? I'm		12:38	15	Q Did -- how long was it going to be until	12:40
16	sorry.		12:38	16	David was going to paddle in? Was David on his way	12:40
17	Q	I wanted to go through the different	12:38	17	in, for instance?	12:40
18	instances that day when people specifically screamed		12:38	18	A I remember that he said something about	12:40
19	profanities at you. For instance, in the complaint		12:38	19	waiting for Dave, but I don't know if Dave, you	12:41
20	a man called you a whore. When did that occur on		12:38	20	know, what he was doing specifically.	12:41
21	January 29th?		12:38	21	Q Did you wait for David?	12:41
22	A	Right, that's the words that I heard him	12:38	22	A I think we did but then the man came back	12:41
23	scream. That was once we were at the bottom of the		12:38	23	again and started yelling again. So --	12:41
24	hill when we were on the rocky beach walking to the		12:38	24	Q Between the time when the man left after	12:41
25	spot where we would paddle out.		12:38	25	calling you a whore and the time he came back, how	12:41
Page 130				Page 132		
1	Q	At this point, had you brought down your	12:38	1	long of a time was that?	12:41
2	board?		12:38	2	A It was very brief because he -- because	12:41
3	A	Yes, at this point, I had brought down my	12:38	3	he -- I think that he just walked away for a little	12:41
4	board.		12:38	4	bit and then came right back.	12:41
5	Q	Were you in your wetsuit already?	12:38	5	Q Was it minutes?	12:41
6	A	Yes, I was in my wetsuit.	12:38	6	A I don't know, it's hard for me to say.	12:41
7	Q	What did you say to the man who called you	12:39	7	Q Do you think it was more than five	12:41
8	a whore, if anything?		12:39	8	minutes?	12:41
9	A	I don't recall if I said anything to him.	12:39	9	A No.	12:41
10	I think I didn't.		12:39	10	Q Do you think it was more than two minutes?	12:41
11	Q	Was Jordan with you when that happened?	12:39	11	A I don't know.	12:41
12	A	Yes, he was.	12:39	12	Q Okay. In between that time, what were you	12:41
13	Q	Did Jordan say anything to the person who	12:39	13	and Jordan doing?	12:41
14	called you a whore?		12:39	14	A I was just standing there.	12:41
15	A	I don't think he said anything either.	12:39	15	Q Okay. Were you crying?	12:42
16	Q	After the man called you a whore, did you	12:39	16	A I wasn't crying but I was scared.	12:42
17	walk away?		12:39	17	Q All right. Were you recording this --	12:42
18	A	We just stood there because he walked	12:39	18	this visit to the beach at all?	12:42
19	away.		12:39	19	A I was not recording it.	12:42
20	Q	So the man walked away. What did you and	12:39	20	Q Tape recording or video recording; right?	12:42
21	Jordan talk about after the man walked away?		12:39	21	A Right.	12:42
22	A	I mean, I just remember being really	12:39	22	Q Were there any media there as far as you	12:42
23	scared and -- I don't think I really was thinking		12:39	23	know?	12:42
24	clearly or knew what to do. But I remember Jordan		12:39	24	A I don't know if there were that day.	12:42
25	saying that we should wait for our friend who had		12:39	25	Q But you weren't aware of any; right?	12:42
Page 131				Page 133		

<p>1 A I just don't remember. 12:42</p> <p>2 Q Had you contacted any media prior to your 12:42</p> <p>3 visit on January 29th? 12:42</p> <p>4 A I had not contacted any media. 12:42</p> <p>5 Q After the man came back, then what 12:42</p> <p>6 happened? 12:42</p> <p>7 A I just remember him, you know, yelling at 12:42</p> <p>8 us more, screaming profanities. And at one point I 12:42</p> <p>9 think -- he went away and I told Jordan that I 12:43</p> <p>10 wanted to talk to the police. The police were 12:43</p> <p>11 standing in the fort and witnessed the incident. 12:43</p> <p>12 And then they ended up walking over because they saw 12:43</p> <p>13 what happened, so I didn't have to go to them. 12:43</p> <p>14 Q Okay. So the police came to you; right? 12:43</p> <p>15 A Yes. 12:43</p> <p>16 Q Then what happened when the police came? 12:43</p> <p>17 A The police asked us what was going on and 12:43</p> <p>18 we described what had happened. And they -- I think 12:43</p> <p>19 that they asked us if we wanted to file a report. 12:43</p> <p>20 And I know that I wanted to file one, and so we 12:43</p> <p>21 proceeded to go up the hill to file a report. 12:43</p> <p>22 Q So did you, in fact, file a report with 12:44</p> <p>23 the police? 12:44</p> <p>24 A We did file a report with the police, yes. 12:44</p> <p>25 Q All right. Do you remember -- withdraw. 12:44</p> <p style="text-align: right;">Page 134</p>	<p>1 And they told me that I could file a 12:45</p> <p>2 citizen's arrest but that if I do file a citizen's 12:45</p> <p>3 arrest I'm at risk of getting sued because people at 12:45</p> <p>4 Lunada Bay have a lot of money and can hire good 12:45</p> <p>5 lawyers and that will put me at risk of getting into 12:45</p> <p>6 a lawsuit, and so it's not a good idea to file a 12:45</p> <p>7 citizen's arrest because it will, you know, because 12:45</p> <p>8 I don't need to be in a lawsuit and it's not a good 12:45</p> <p>9 idea. 12:46</p> <p>10 So, they dissuaded me from filing a 12:46</p> <p>11 citizen's arrest. 12:46</p> <p>12 Q Okay. And then you filed -- so then 12:46</p> <p>13 you -- 12:46</p> <p>14 A So they told me to go ahead and write a 12:46</p> <p>15 report instead because it would be the same outcome 12:46</p> <p>16 and that way I don't have the liability of filing a 12:46</p> <p>17 citizen's arrest. 12:46</p> <p>18 Q When you came up -- rather, when the 12:46</p> <p>19 officers came from the fort, how many were there? 12:46</p> <p>20 A I don't know how many there were. I 12:46</p> <p>21 remember -- I definitely remember there was one 12:46</p> <p>22 person, I don't know if there was one or two. 12:46</p> <p>23 Q Officers, you don't remember how many came 12:46</p> <p>24 to you and walked up the bluff with you? 12:46</p> <p>25 A No. 12:46</p> <p style="text-align: right;">Page 136</p>
<p>1 Are you able to describe the man who was 12:44</p> <p>2 yelling at you? 12:44</p> <p>3 A Yes. 12:44</p> <p>4 Q Can you please describe him? 12:44</p> <p>5 A I remember he was pretty short in height, 12:44</p> <p>6 middle-aged, brown hair, I believe. 12:44</p> <p>7 Q Anything else that you can remember in 12:44</p> <p>8 describing him? 12:44</p> <p>9 A That's all I can remember in describing 12:44</p> <p>10 him. 12:44</p> <p>11 Q When you went up the hill and -- were you 12:44</p> <p>12 walking up with Jordan and the police? 12:44</p> <p>13 A I think so. 12:44</p> <p>14 Q And when you got to the top of the hill, 12:44</p> <p>15 what did you do? 12:44</p> <p>16 A I remember at one point there was more 12:44</p> <p>17 police that came, and so I don't remember who filed 12:44</p> <p>18 the report specifically. I don't remember if it was 12:45</p> <p>19 the police that witnessed the incident or if it was 12:45</p> <p>20 the police that came. But I remember that they -- 12:45</p> <p>21 they detained the suspect and they -- but they -- 12:45</p> <p>22 even though that they witnessed the incident they 12:45</p> <p>23 did not want to arrest him because they were saying 12:45</p> <p>24 they didn't hear what he said specifically even 12:45</p> <p>25 though they heard him yelling. 12:45</p> <p style="text-align: right;">Page 135</p>	<p>1 Q When you eventually got up to the bluff, 12:46</p> <p>2 do you remember how many officers there were? 12:46</p> <p>3 A I remember there was more than one. But I 12:46</p> <p>4 don't remember if there was more than two. 12:46</p> <p>5 Q Okay. Did you see any police cars up 12:46</p> <p>6 there? 12:46</p> <p>7 A I would assume that there were police cars 12:46</p> <p>8 because I remember additional officers came. 12:46</p> <p>9 Q Okay. All right. And when they took your 12:47</p> <p>10 report, did you tell them everything that happened? 12:47</p> <p>11 MR. FRANKLIN: Vague and ambiguous. 12:47</p> <p>12 THE WITNESS: I told them what I could 12:47</p> <p>13 remember at the time. 12:47</p> <p>14 BY MS. HEWITT: 12:47</p> <p>15 Q Okay. Did you ever see a copy of the 12:47</p> <p>16 incident report that was filed with regard to this 12:47</p> <p>17 matter? 12:47</p> <p>18 A I did not. 12:47</p> <p>19 Q Have -- did you ask -- did you tell the 12:47</p> <p>20 police officers that day anything that they refused 12:47</p> <p>21 to take down? 12:47</p> <p>22 MR. FRANKLIN: Vague and ambiguous. 12:47</p> <p>23 THE WITNESS: I don't know. 12:47</p> <p>24 BY MS. HEWITT: 12:47</p> <p>25 Q Like is there anything that they told you, 12:47</p> <p style="text-align: right;">Page 137</p>

1 Oh, that's not important, we don't want to write 12:47	1 him but I don't remember what we talked about. 12:50
2 that down; anything like that? 12:47	2 Q Okay. Did you tell Chris Taloa what 12:50
3 A I don't remember if that happened. 12:47	3 happened? 12:50
4 Q Did you -- how long did you talk to the 12:47	4 A I don't think so. I never really spoke to 12:50
5 police that day? 12:47	5 him much, you know, directly. 12:50
6 A It's hard for me to say how long I spoke 12:47	6 Q How about Kenny? 12:50
7 to them for. I can guess maybe 30 minutes, I don't 12:48	7 A No, I don't think that I told him. 12:50
8 know. 12:48	8 Q All right. After the police took your 12:50
9 Q What profanities did you tell the police 12:48	9 report, did they tell you what you should do in 12:50
10 were screamed at you? 12:48	10 follow-up, if anything? 12:50
11 A I remember something that sounded like 12:48	11 MR. FRANKLIN: Vague and ambiguous. 12:51
12 "whore," so I did tell them that. At this time, I 12:48	12 BY MS. HEWITT: 12:51
13 don't remember specifically what profanities were 12:48	13 Q Did they tell you, Please call us to find 12:51
14 screamed at. Like I said, my memory is not good and 12:48	14 out what's going on with this, did they tell you you 12:51
15 I try to limit profanities in my life. But I do 12:48	15 should leave, anything like that? 12:51
16 remember, you know, being -- being very frightened 12:48	16 A I don't remember what they told me. I 12:51
17 because I hadn't been yelled at in that manner 12:48	17 don't think that they told me anything regarding 12:51
18 before by anyone. 12:48	18 follow-up, you know. What I do remember them 12:51
19 Q Did the police ask you when you were down 12:49	19 telling me is the result would be the same whether 12:51
20 on the beach, did they ask you where you were from? 12:49	20 it was filed as a citizen's arrest or whether it was 12:51
21 A I don't know if they asked me that or not. 12:49	21 not. But the problem with filing it as a citizen's 12:51
22 Q Do you remember them asking you where you 12:49	22 arrest would that I would be liable for a lawsuit 12:51
23 were from at any time? 12:49	23 and I don't need a lawsuit in my life and why take 12:51
24 A From what I remember when they filed the 12:49	24 that risk. 12:51
25 report, they write down your address from your 12:49	25 Q Did they tell you you would be liable for 12:51
Page 138	Page 140
1 driver's license. Whether they asked me that or 12:49	1 a lawsuit; is that what they told you? 12:51
2 wrote it down from my driver's license, I don't 12:49	2 A They told me that it puts liability on me. 12:51
3 remember. 12:49	3 Q No matter what happens, that definitely 12:51
4 Q All right. Did they take your driver's 12:49	4 puts liability on you, is that what they told you? 12:51
5 license at the point in time when they were starting 12:49	5 MR. FRANKLIN: Calls for legal conclusion. 12:51
6 to write their report or sometime before that? 12:49	6 THE WITNESS: From my understanding, what 12:51
7 A I think they took it from me when they 12:49	7 they told me is that it would put me at a liability 12:51
8 were writing the report. 12:49	8 for a lawsuit if it was found to be, you know -- if 12:52
9 Q Had they given -- excuse me. 12:49	9 it was found to be incorrect -- it puts me at 12:52
10 Had they taken your driver's license at 12:49	10 liability, but if I don't file it as a citizen's 12:52
11 the time you were talking about a citizen's arrest? 12:49	11 arrest, then I'm not a liability. 12:52
12 A I don't know. 12:49	12 BY MS. HEWITT: 12:52
13 Q Did any of your other friends tell you 12:49	13 Q Okay. So did you understand that you 12:52
14 that they saw the incident with the man screaming at 12:50	14 could file a citizen's arrest; the outcome could be 12:52
15 you and Jordan? 12:50	15 that if it was found to not be justified that you 12:52
16 A Not that I recall. I don't think so. 12:50	16 could incur liability at a later date? 12:52
17 Q All right. Did David eventually paddle 12:50	17 MR. FRANKLIN: Objection, calls for legal 12:52
18 in? 12:50	18 conclusion -- 12:52
19 A I would assume that he did, yeah, I don't 12:50	19 THE WITNESS: Um -- 12:52
20 know what he ended up doing. 12:50	20 MR. FRANKLIN: Objection, calls for legal 12:52
21 Q Did you tell David what happened? 12:50	21 conclusion, it's also an incomplete hypothetical. 12:52
22 A I think I did. 12:50	22 THE WITNESS: Yeah, I don't really know. 12:52
23 Q What did he say? 12:50	23 I mean, I don't understand. I'm not a lawyer so 12:52
24 A You know, I don't remember the 12:50	24 it's hard for me to answer that question. I just 12:52
25 conversation with David, so, I would assume I told 12:50	25 know that they dissuaded me from filing a citizen's 12:52
Page 139	Page 141

1 arrest. 12:52	1 over in the water? 12:54
2 BY MS. HEWITT: 12:52	2 A I don't remember if anyone told me that. 12:54
3 Q All right. Is it fair to say you didn't 12:52	3 Q Okay. Later in February I believe that 12:54
4 really understand what they told you that day? 12:52	4 you went to Lunada Bay with a photographer and 12:55
5 MR. FRANKLIN: Objection, misstates prior 12:52	5 writer from the L.A. Times; is that correct? 12:55
6 testimony. 12:52	6 A I would say that the way you phrased that 12:55
7 THE WITNESS: No, I feel like I understood 12:52	7 statement is not correct because I went to 12:55
8 what they were telling me. They didn't, you know, 12:52	8 Lunada Bay and there happened to be a photographer 12:55
9 use complicated language with me. 12:53	9 there. 12:55
10 BY MS. HEWITT: 12:53	10 Q Was it coincidence that day? 12:55
11 Q Okay. Like lawyers? 12:53	11 A I don't know. I don't know if someone 12:55
12 A Yeah. 12:53	12 told them to be there or not. I know I went there 12:55
13 Q But they didn't tell you you could not 12:53	13 to take photos. 12:55
14 file a citizen's arrest; right? 12:53	14 Q What did you go to take photos of? 12:55
15 MR. FRANKLIN: Objection, asked and 12:53	15 A Of Jordan. 12:55
16 answered. 12:53	16 Q For what purpose? 12:55
17 THE WITNESS: They told me that it's not a 12:53	17 A Because I couldn't surf. I had broken my 12:55
18 good idea to file one. 12:53	18 arm snowboarding unfortunately around February 1st, 12:55
19 BY MS. HEWITT: 12:53	19 and if I'm not surfing then I love taking surf 12:55
20 Q But they did not tell you that they would 12:53	20 photography. 12:55
21 not help you do a citizen's arrest; right? 12:53	21 Q How long were you unable to surf -- 12:55
22 MR. FRANKLIN: Objection, asked and 12:53	22 actually, withdraw. 12:56
23 answered. 12:53	23 Have you surfed since that time? 12:56
24 THE WITNESS: Well, what they told me 12:53	24 A Have I surfed since what time? 12:56
25 is -- they didn't say that; what they told me is 12:53	25 Q Since the time you broke your arm. 12:56
Page 142	Page 144
1 that they don't recommend me filing one, like I 12:53	1 A I have surfed since February 1st, yes. 12:56
2 said, because it puts a legal liability on me and 12:53	2 Q When was that? 12:56
3 because people at Lunada Bay are wealthy and they 12:53	3 A I don't remember specifically, I remember 12:56
4 can afford good lawyers so... 12:53	4 I surfed on a few occasions after that. 12:56
5 BY MS. HEWITT: 12:53	5 Q Did you get a cast for your broken arm? 12:56
6 Q After -- do you remember the names of the 12:53	6 A I did. 12:56
7 officers that you dealt with that day? 12:53	7 Q When did you get your cast off? 12:56
8 A Unfortunately, I don't. 12:53	8 A I believe I had it on for about two months 12:56
9 Q Okay. After you were done interacting 12:53	9 more or less. 12:56
10 with the officers, what did you do next? 12:54	10 Q When it came off, did you have any 12:56
11 A I remember that I think we just changed 12:54	11 restrictions as to what you could do? 12:56
12 and left. 12:54	12 A Not that I recall. 12:56
13 Q And did you remember if Cory Spencer was 12:54	13 Q So after April 1st -- did you surf while 12:56
14 still there when you were changing and leaving? 12:54	14 you had a cast? 12:56
15 A I don't know if he was still there. I 12:54	15 A I did. 12:56
16 don't remember seeing him. 12:54	16 Q How many times did you surf while you had 12:56
17 Q Did you ever see Cory Spencer surf that 12:54	17 the cast? 12:56
18 day? 12:54	18 A I surfed a few times on smaller days. I 12:56
19 A I don't know. I don't think I did. 12:54	19 had a waterproof cast. And I longboarded, so it 12:56
20 Q And you didn't see him have any 12:54	20 wasn't too difficult to get up with one arm. 12:57
21 interactions with people running him over or 12:54	21 Q Then after April 1, 2016, did you surf? 12:57
22 anything like that; right? 12:54	22 A Did I surf after April 1, 2016? 12:57
23 A No, I think we got there after he surfed. 12:54	23 Q Yes. 12:57
24 I don't remember seeing him in the water. 12:54	24 A Yeah, I remember surfing in Malibu in 12:57
25 Q Did anybody tell you they saw him get run 12:54	25 June. 12:57
Page 143	Page 145

<p>1 Q Okay. So in June, would you have been 12:57 2 about four and a half months pregnant or so? 12:57 3 A I don't know. I would have to calculate 12:57 4 it, I don't remember. 12:57 5 Q Do you remember being pregnant when you 12:57 6 were surfing in June, though? 12:57 7 A Yes, hmm-mm. 12:57 8 Q When was the last time you've been 12:57 9 surfing? 12:57 10 A That was about the last time. 12:57 11 Q All right. So, going back to February 5, 12:57 12 2016, I believe you told me that you went to 12:58 13 Lunada Bay to take photos of Jordan; is that 12:58 14 correct? 12:58 15 A Yes. 12:58 16 Q What made Jordan decide to go that day, to 12:58 17 go surf? 12:58 18 A You know, I don't remember what his reason 12:58 19 was to go that day. I just remember accompanying 12:58 20 him to take photos. 12:58 21 Q Did you talk to anybody at the L.A. Times 12:58 22 before February 5, 2016? 12:58 23 A I don't think so, no. 12:58 24 Q Do you have any idea as you sit here today 12:58 25 how the writer and photographer from the 12:58 Page 146</p>	<p>1 A We may have talked about that, but I don't 13:00 2 remember speaking to him in much detail about it. I 13:00 3 know Jordan spoke to him. 13:00 4 Q Did you hear what Jordan talked to him 13:00 5 about? 13:00 6 A You know, I don't recall the conversation 13:00 7 at the moment. 13:00 8 Q Do you remember the photographer taking 13:00 9 pictures of you? 13:00 10 A You know, I never actually realized that I 13:00 11 was in the photos until they were published. But I 13:00 12 do remember him taking photos and I remember I was 13:00 13 taking photos. 13:00 14 Q Do you remember talking to the 13:00 15 photographer about you being a, quote, outsider, end 13:00 16 quote, with regard to Lunada Bay? 13:01 17 A Yeah, we may have discussed me not being 13:01 18 from Lunada Bay. I would assume that he knew that 13:01 19 we didn't live there. 13:01 20 Q Why would you assume that? 13:01 21 A Because, you know, we're not part of the 13:01 22 Bay Boys. 13:01 23 Q Is everybody who's not part of the 13:01 24 Bay Boys not from there? 13:01 25 MR. FRANKLIN: Argumentative. 13:01 Page 148</p>
<p>1 L.A. Times -- let me you ask you this: You reviewed 12:58 2 the complaint prior to its filing; right? 12:58 3 A Yes. 12:58 4 Q In the complaint Page 14, Line 6, 7, it 12:58 5 says, "On or about February 5th, 2016, Reed and 12:58 6 Wright returned to Lunada Bay with a photographer 12:59 7 and writer from the Los Angeles Times." 12:59 8 Is that accurate? 12:59 9 A There was a photographer there at the time 12:59 10 I was there. There was not a writer; he was just a 12:59 11 photographer. And he was there; I didn't arrange 12:59 12 for him to be there or, you know, I don't recall 12:59 13 knowing that he was going to be there. 12:59 14 Q Did you talk to the photographer at 12:59 15 Lunada Bay on February 5th? 12:59 16 A Once I was there, I did talk to him. 12:59 17 Q What did you talk about? 12:59 18 A I don't remember specifically what we 12:59 19 talked about. I just remember talking about 12:59 20 photography and I remember talking about some of the 12:59 21 work he's done and then -- I don't know, I think we 12:59 22 talked about, you know, the conditions that day 13:00 23 maybe. 13:00 24 Q Did you talk at all about localism at 13:00 25 Lunada Bay? 13:00 Page 147</p>	<p>1 THE WITNESS: I don't know. I think -- 13:01 2 actually, I think they're not according to what 13:01 3 Charlie told me, some of them are from up north as 13:01 4 well, from different parts, but I think the majority 13:01 5 is from there, hmm-mm. 13:01 6 BY MS. HEWITT: 13:01 7 Q Did you talk about the locals hangout fort 13:01 8 with the photographer? 13:01 9 A I don't know, I may have. 13:01 10 Q Did the photographer tell you why he was 13:01 11 there taking pictures that day? 13:01 12 A You know, it's hard for me to remember all 13:01 13 the details. He may have mentioned that they're 13:02 14 doing a story related to the coastal commission but 13:02 15 I don't know if he himself knew that many details 13:02 16 since he was just doing photos. He wasn't the 13:02 17 actual reporter. So I don't know. It's hard for me 13:02 18 to say, I don't remember that day very well right 13:02 19 now. 13:02 20 Q The complaint states that the L.A. Times 13:02 21 printed a newspaper story on February 13th and 13:02 22 contains several photographs of you. Do you 13:02 23 remember that article? 13:02 24 A I do remember the article coming out. 13:02 25 Q And in it it says that -- in the article, 13:02 Page 149</p>

<p>1 your complaint says that the article says -- stated 13:02</p> <p>2 that you were an outsider who had filed a police 13:02</p> <p>3 report for harassment against the Lunada Bay Boys. 13:02</p> <p>4 Did you ever tell anyone from the 13:02</p> <p>5 L.A. Times that you filed a police report for 13:02</p> <p>6 harassment against the Lunada Bay Boys? 13:02</p> <p>7 A I would assume that I did since that's 13:02</p> <p>8 what they wrote in the article. 13:03</p> <p>9 Q Do you have any recollection at all of 13:03</p> <p>10 talking to anybody from the L.A. Times about that? 13:03</p> <p>11 A You know, I do remember talking to the 13:03</p> <p>12 photographer. I don't remember if I spoke to the 13:03</p> <p>13 reporter or not at that point. I know Jordan did. 13:03</p> <p>14 I don't know. I haven't reviewed the article and 13:03</p> <p>15 it's been sometime since I've read it. 13:03</p> <p>16 Q Okay. So your understanding is that 13:03</p> <p>17 Jordan did have communications with this L.A. Times 13:03</p> <p>18 photographer or writer about Lunada Bay and localism 13:03</p> <p>19 and harassment at Lunada Bay? 13:03</p> <p>20 A I know that he spoke to the reporter after 13:03</p> <p>21 surfing there that day. They had some kind of 13:03</p> <p>22 communication. Whether or not he spoke to the 13:03</p> <p>23 reporter before, I don't remember. I mean, I don't 13:03</p> <p>24 know. But I remember him -- I think I remember him 13:04</p> <p>25 talking to the reporter afterwards. 13:04</p> <p style="text-align: right;">Page 150</p>	<p>1 photos with Jordan and I was taking photos of Jordan 13:05</p> <p>2 and, you know, I happened to be in photos that he 13:05</p> <p>3 was taking. It was hard for me to know, you know, 13:05</p> <p>4 what he was aiming at and what he wasn't, I really 13:05</p> <p>5 wasn't paying attention to that, I wasn't posing for 13:05</p> <p>6 photos. 13:05</p> <p>7 BY MS. HEWITT: 13:05</p> <p>8 Q Did the paper, L.A. Times, ever ask you 13:05</p> <p>9 for permission to publish your photos that had you 13:05</p> <p>10 in it? 13:05</p> <p>11 A I don't know if they did or they didn't. 13:05</p> <p>12 Q You don't know or you don't remember? 13:05</p> <p>13 A I don't remember, no. 13:05</p> <p>14 Q Is it fair to say you would defer to 13:05</p> <p>15 Jordan in connection with regard to any 13:05</p> <p>16 communication with the L.A. Times that day with 13:05</p> <p>17 regard to the accident report -- sorry -- the police 13:05</p> <p>18 report for harassment against the Lunada Bay Boys? 13:05</p> <p>19 MR. FRANKLIN: Vague and ambiguous. 13:06</p> <p>20 THE WITNESS: I don't understand the 13:06</p> <p>21 question. 13:06</p> <p>22 BY MS. HEWITT: 13:06</p> <p>23 Q All right. You know that Jordan spoke to 13:06</p> <p>24 the L.A. Times reporter or photographer, but you're 13:06</p> <p>25 not certain whether you talked to the reporter about 13:06</p> <p style="text-align: right;">Page 152</p>
<p>1 Q Did it seem like he and the reporter knew 13:04</p> <p>2 each other, or the photographer, knew each other 13:04</p> <p>3 before? 13:04</p> <p>4 A We definitely didn't know the 13:04</p> <p>5 photographer, I didn't know him, I don't -- it 13:04</p> <p>6 didn't seem like Jordan did. Whether he knew the 13:04</p> <p>7 reporter or not, I don't remember. 13:04</p> <p>8 Q In the complaint it says that the article 13:04</p> <p>9 contains several photographs including one that 13:04</p> <p>10 showed her in the locals hangout fort. 13:04</p> <p>11 Do you recall the article having any other 13:04</p> <p>12 pictures of you other than you standing in the local 13:04</p> <p>13 hangout fort? 13:04</p> <p>14 A I think there was more than one photo of 13:04</p> <p>15 me, but I don't know if that was the online version 13:04</p> <p>16 or the print version. 13:04</p> <p>17 Q Okay. Good point. 13:04</p> <p>18 With regard to all the pictures you've 13:04</p> <p>19 seen with regard to those articles, were they all 13:04</p> <p>20 pictures that you just coincidentally happened to be 13:04</p> <p>21 standing near, that's why you were in the photos? 13:04</p> <p>22 A Yeah -- 13:04</p> <p>23 MR. FRANKLIN: Lacks foundation. 13:04</p> <p>24 THE WITNESS: I mean, none of the photos 13:05</p> <p>25 were staged; I know that. I went there to take 13:05</p> <p style="text-align: right;">Page 151</p>	<p>1 the police report for harassment against 13:06</p> <p>2 Lunada Bay Boys; right? 13:06</p> <p>3 A Right. 13:06</p> <p>4 Q Do you have any knowledge as to whether it 13:06</p> <p>5 was Jordan that talked to them about that? 13:06</p> <p>6 A I don't remember specifically what they 13:06</p> <p>7 talked about, I would assume that he told them about 13:06</p> <p>8 that, I don't know. 13:06</p> <p>9 Q Do you know anybody else who would have 13:06</p> <p>10 told the L.A. Times about your police report for 13:06</p> <p>11 harassment against Lunada Bay Boys? 13:06</p> <p>12 A I don't know. Maybe the police told him, 13:06</p> <p>13 I don't know. 13:06</p> <p>14 Q Okay. Did you tell the L.A. Times that 13:06</p> <p>15 the Lunada Bay Boys "bombard outsiders with dirt 13:06</p> <p>16 clods, slash their car tires, and assault them in 13:06</p> <p>17 the water, sometimes coordinating the attacks with 13:06</p> <p>18 walkie-talkies"? 13:06</p> <p>19 A I think that's something either Jordan 13:06</p> <p>20 said or someone else said. 13:06</p> <p>21 Q Okay. Did you tell the photographer or 13:07</p> <p>22 anybody from the L.A. Times that surfers had been 13:07</p> <p>23 victimized over the years by the Lunada Bay Boys? 13:07</p> <p>24 A I don't think that was my quote. 13:07</p> <p>25 Q Do you have any e-mails on your computer 13:07</p> <p style="text-align: right;">Page 153</p>

<p>1 at home from anybody at the L.A. Times? 13:07</p> <p>2 A I have an e-mail with the photos from the 13:07</p> <p>3 photographer. 13:07</p> <p>4 Q And does that e-mail have any text in it? 13:07</p> <p>5 A I would assume it has some text in it. 13:07</p> <p>6 Q Have you given it to your attorneys? 13:07</p> <p>7 A I don't know. I think so. 13:07</p> <p>8 Q Do you have any e-mails at home from any 13:07</p> <p>9 other media organizations either online or print or 13:07</p> <p>10 anything like that? 13:07</p> <p>11 A I've been in several articles and don't 13:07</p> <p>12 several interviews, so a bunch of media have reached 13:08</p> <p>13 out to me, so I have e-mails. And then I also have, 13:08</p> <p>14 you know, my attorneys also arranged some of it. 13:08</p> <p>15 Q Have you ever been -- withdraw. 13:08</p> <p>16 Okay. With regard to the February 5th 13:08</p> <p>17 visit, did you contact the City of Palos Verdes 13:08</p> <p>18 Estates or the police department to tell them that 13:08</p> <p>19 you were going to visit that day? 13:08</p> <p>20 A I think that Jordan may have done that. 13:08</p> <p>21 Q And do you know if Jordan asked for extra 13:08</p> <p>22 patrols that day? 13:08</p> <p>23 A I don't know if he asked for it that day. 13:08</p> <p>24 Q Do you recall seeing Palos Verdes Estates 13:08</p> <p>25 police there that day? 13:08</p> <p style="text-align: right;">Page 154</p>	<p>1 A So I can't say one way or the other. 13:10</p> <p>2 Q I'm not asking you to say one way or the 13:10</p> <p>3 other. I'm asking you to state if right now you 13:10</p> <p>4 have a memory of being intimidated by someone on top 13:10</p> <p>5 of the bluff. 13:10</p> <p>6 MR. FRANKLIN: Vague and ambiguous. 13:10</p> <p>7 THE WITNESS: I would have to think about 13:10</p> <p>8 it more, I just don't know. 13:10</p> <p>9 BY MS. HEWITT: 13:10</p> <p>10 Q Do you remember that right now? 13:10</p> <p>11 MR. FRANKLIN: Vague and ambiguous. 13:10</p> <p>12 THE WITNESS: Right now, I don't remember 13:10</p> <p>13 what happened on top of the bluff much, so it would 13:10</p> <p>14 be hard for me to make that -- sorry. 13:10</p> <p>15 BY MS. HEWITT: 13:10</p> <p>16 Q Do you recall any vandalism that day? 13:10</p> <p>17 A I don't recall vandalism on February 5th. 13:10</p> <p>18 Q Did the police escort you down the bluff 13:10</p> <p>19 that day? 13:10</p> <p>20 A I don't know. 13:10</p> <p>21 Q You don't remember? 13:10</p> <p>22 A I don't remember. 13:10</p> <p>23 Q Okay. Going to February 13th, as 13:10</p> <p>24 described in your complaint, why did you decide to 13:11</p> <p>25 go to Lunada Bay on February 13th? 13:11</p> <p style="text-align: right;">Page 156</p>
<p>1 A I don't remember if I saw them there that 13:08</p> <p>2 day or not. 13:09</p> <p>3 Q And at that point in time, you'd broken 13:09</p> <p>4 your arm so you could not surf; is that correct? 13:09</p> <p>5 A That's correct. I had just broken it, I'm 13:09</p> <p>6 sure it was still pretty painful so it wasn't 13:09</p> <p>7 possible that time. 13:09</p> <p>8 Q Did Jordan surf without incident as far as 13:09</p> <p>9 you know? 13:09</p> <p>10 A Jordan did surf without incident because 13:09</p> <p>11 he was the only person out there surfing. 13:09</p> <p>12 Q And is it correct that neither you or 13:09</p> <p>13 Jordan were intimidated that day? 13:09</p> <p>14 MR. FRANKLIN: Vague and ambiguous. 13:09</p> <p>15 THE WITNESS: I don't know. I don't 13:09</p> <p>16 remember if we encountered anyone on top of the 13:09</p> <p>17 bluff or not. I just remember that there was no one 13:09</p> <p>18 in the water. 13:09</p> <p>19 BY MS. HEWITT: 13:09</p> <p>20 Q Do you have a recollection of encountering 13:09</p> <p>21 anybody on the bluff that intimidated you? 13:09</p> <p>22 A At this time, I just -- I don't remember 13:09</p> <p>23 what we did on top of the bluff, and if there was 13:09</p> <p>24 anyone there or not. 13:09</p> <p>25 Q Okay. 13:09</p> <p style="text-align: right;">Page 155</p>	<p>1 A You know, I don't remember the specific 13:11</p> <p>2 reasons, but I think that Jordan wanted to go surf 13:11</p> <p>3 that day and I couldn't surf; so like I said, if I'm 13:11</p> <p>4 not surfing I like to take photos so it was my 13:11</p> <p>5 reason for going. 13:11</p> <p>6 Q Has Jordan as far as you know ever wanted 13:11</p> <p>7 to go surf at Lunada Bay and has decided not to 13:11</p> <p>8 because of any localism there? 13:11</p> <p>9 MR. FRANKLIN: Vague and ambiguous, calls 13:11</p> <p>10 for speculation. 13:11</p> <p>11 THE WITNESS: Well, I was with him on 13:11</p> <p>12 January 29, 2016, when we decided not to surf. 13:11</p> <p>13 BY MS. HEWITT: 13:11</p> <p>14 Q Prior to going on a particular day did you 13:11</p> <p>15 decide to stay home because of any localism issues? 13:11</p> <p>16 MR. FRANKLIN: Vague and ambiguous. 13:11</p> <p>17 THE WITNESS: Well, I mean if there wasn't 13:11</p> <p>18 localism there I would have been surfing there all 13:11</p> <p>19 winter as often as I surf in Malibu and Ventura and 13:12</p> <p>20 other places, so yeah, I would be there as often as 13:12</p> <p>21 it was good. 13:12</p> <p>22 BY MS. HEWITT: 13:12</p> <p>23 Q Jordan specifically -- sorry, that was my 13:12</p> <p>24 fault for a vague question. 13:12</p> <p>25 Do you have any recollection of instances 13:12</p> <p style="text-align: right;">Page 157</p>

<p>1 where Jordan said, I want to go to Lunada Bay today 13:12</p> <p>2 but I'm worried about the localism there and I'm 13:12</p> <p>3 worried about being harassed or intimidated? 13:12</p> <p>4 A I don't know. Yeah, I don't know if we 13:12</p> <p>5 had that discussion. But I do remember him always 13:12</p> <p>6 wanting to have more than one person there, you 13:12</p> <p>7 know, if possible. 13:12</p> <p>8 Q So he was -- he would go but he just 13:12</p> <p>9 wanted to make sure there was at least one other 13:12</p> <p>10 person or a group? 13:12</p> <p>11 MR. FRANKLIN: Objection, misstates prior 13:12</p> <p>12 testimony. 13:12</p> <p>13 THE WITNESS: I mean, he went there 13:12</p> <p>14 sometimes by himself, but I think he preferred to 13:12</p> <p>15 have other people go with him for safety reasons. 13:12</p> <p>16 BY MS. HEWITT: 13:12</p> <p>17 Q Has Jordan ever come back -- withdraw. 13:12</p> <p>18 Has Jordan ever told you that one of the 13:12</p> <p>19 times he we went by himself that he was intimidated 13:13</p> <p>20 or harassed, vandalized? 13:13</p> <p>21 MR. FRANKLIN: Vague and ambiguous. 13:13</p> <p>22 THE WITNESS: Jordan and I have had 13:13</p> <p>23 discussions about Lunada Bay, you know, since then, 13:13</p> <p>24 so it would be hard for me to say when we spoke 13:13</p> <p>25 about these things, but I mean, we've talked about 13:13</p> <p style="text-align: right;">Page 158</p>	<p>1 not because I think we were the only people there 13:14</p> <p>2 from what I recall, I don't know. 13:14</p> <p>3 Q Did you intend to surf that day? 13:14</p> <p>4 A On February 13th? 13:15</p> <p>5 Q Hmm-mm. 13:15</p> <p>6 A I would have loved to if I didn't have a 13:15</p> <p>7 broken arm. 13:15</p> <p>8 Q So you did not intend to surf that day; 13:15</p> <p>9 right? 13:15</p> <p>10 A No. 13:15</p> <p>11 Q Did you call -- withdraw. 13:15</p> <p>12 Did you communicate in any way with any 13:15</p> <p>13 news reporters about the visit on February 13th? 13:15</p> <p>14 MR. FRANKLIN: Vague and ambiguous. 13:15</p> <p>15 THE WITNESS: Did I communicate with any 13:15</p> <p>16 reporters? When? 13:15</p> <p>17 BY MS. HEWITT: 13:15</p> <p>18 Q Yes, any new organizations with regard to 13:15</p> <p>19 your visit on February 13th, any time? 13:15</p> <p>20 MR. FRANKLIN: Vague and ambiguous. 13:15</p> <p>21 THE WITNESS: Can you be more specific 13:15</p> <p>22 please? 13:15</p> <p>23 BY MS. HEWITT: 13:15</p> <p>24 Q Sure. Let's break it down from the point 13:15</p> <p>25 in time before the visit, so right up until the time 13:15</p> <p style="text-align: right;">Page 160</p>
<p>1 instances that he's had there. 13:13</p> <p>2 BY MS. HEWITT: 13:13</p> <p>3 Q Tell me what he's told you specifically 13:13</p> <p>4 with regard to those instances. 13:13</p> <p>5 A What he told me from that point to now, 13:13</p> <p>6 until today? 13:13</p> <p>7 Q Anything about the times where he's gone 13:13</p> <p>8 to Lunada Bay himself, any harassment or 13:13</p> <p>9 intimidation or vandalism he experienced? 13:13</p> <p>10 A Just by himself only? 13:13</p> <p>11 Q Just by himself. 13:13</p> <p>12 A Yeah, I don't know, I don't remember -- 13:13</p> <p>13 because I remember he told me about a time that he 13:13</p> <p>14 went when he was 16 with a friend and a friend's 13:13</p> <p>15 mom, he told me about a time that he went with his 13:14</p> <p>16 father and friend. I think that -- I know that 13:14</p> <p>17 there were times that he surfed there by himself, I 13:14</p> <p>18 think, but I don't know if he actually went there 13:14</p> <p>19 completely by himself or not. 13:14</p> <p>20 Q How old is Jordan? 13:14</p> <p>21 A Jordan is 31. 13:14</p> <p>22 Q Okay. On the February 13th day, do you 13:14</p> <p>23 recall whether it was a meet-up of the Aloha Point 13:14</p> <p>24 Facebook page organized by Chris Taloa? 13:14</p> <p>25 A I don't remember but I would assume it was 13:14</p> <p style="text-align: right;">Page 159</p>	<p>1 of the visit before, did you call or talk to any 13:15</p> <p>2 news medias or organizations that you were going to 13:15</p> <p>3 be visiting on February 13th? 13:15</p> <p>4 A Not that I recall. 13:15</p> <p>5 Q Do you know if Jordan did? 13:15</p> <p>6 A I don't know. 13:15</p> <p>7 Q Do you know if during your February 13th 13:15</p> <p>8 visit there were any media of any type there that 13:15</p> <p>9 day? 13:16</p> <p>10 A Can you clarify the question? Are you 13:16</p> <p>11 asking me if I knew that there would be media there 13:16</p> <p>12 prior to February 13th? 13:16</p> <p>13 Q Did you know -- do you know if there were 13:16</p> <p>14 any media there on February 13th when you were there 13:16</p> <p>15 at Lunada Bay? 13:16</p> <p>16 A Well, the photographer was there and I was 13:16</p> <p>17 talking to him. 13:16</p> <p>18 Q On February 13th; right? 13:16</p> <p>19 MR. FRANKLIN: Vague and ambiguous. 13:16</p> <p>20 THE WITNESS: Oh, no, no, no, no, I'm 13:16</p> <p>21 sorry. I got my dates mixed up. That was -- 13:16</p> <p>22 February 5th was the photographer. 13:16</p> <p>23 You're asking me about February 13th? Did 13:16</p> <p>24 I know there would be media there? No. Was there 13:16</p> <p>25 media there? 13:16</p> <p style="text-align: right;">Page 161</p>

<p>1 BY MS. HEWITT: 13:16</p> <p>2 Q That was my question. Do you recall any 13:16</p> <p>3 media being there on February 13th? 13:16</p> <p>4 A I'm sorry, let me think a little bit about 13:16</p> <p>5 the dates. I don't think there was. 13:16</p> <p>6 MR. FRANKLIN: Diana, you seem -- do you 13:17</p> <p>7 need to drink something? 13:17</p> <p>8 THE WITNESS: Yeah, it would be nice to 13:17</p> <p>9 have a little snack if I could have one. 13:17</p> <p>10 MS. HEWITT: Let's take a break. 13:17</p> <p>11 THE WITNESS: Okay. Thank you. 13:17</p> <p>12 THE VIDEOGRAPHER: This concludes video 13:17</p> <p>13 file four, we are off the record at 1:17 and we're 13:17</p> <p>14 clear, thank you. 13:17</p> <p>15 (Break taken.) 13:17</p> <p>16 THE VIDEOGRAPHER: This commences video 13:33</p> <p>17 file five, we're on the record at 1:33. 13:33</p> <p>18 BY MS. HEWITT: 13:33</p> <p>19 Q Ms. Reed, going back to the January 29th 13:33</p> <p>20 incident at Lunada Bay, have you seen a video taken 13:33</p> <p>21 by Mr. Wright of that incident? 13:33</p> <p>22 A Yes, I have. 13:33</p> <p>23 Q Did you and Mr. Wright talk about 13:33</p> <p>24 recording that day? 13:33</p> <p>25 A I don't remember what we discussed 13:33</p> <p style="text-align: right;">Page 162</p>	<p>1 Q Does it capture you being shouted at by 13:34</p> <p>2 somebody? 13:34</p> <p>3 A Yeah, it does capture some of that. 13:34</p> <p>4 Q It captures you at a time when you 13:34</p> <p>5 testified you were scared; right? 13:34</p> <p>6 MR. FRANKLIN: Vague and ambiguous. 13:34</p> <p>7 THE WITNESS: I don't -- it doesn't 13:34</p> <p>8 capture the entire incident. 13:35</p> <p>9 There's times when the video isn't 13:35</p> <p>10 recording me or it's pointing down, but it does 13:35</p> <p>11 capture some of that incident, yes. 13:35</p> <p>12 BY MS. HEWITT: 13:35</p> <p>13 Q All right. Afterwards, after the 13:35</p> <p>14 incident, did you and -- when was the first time you 13:35</p> <p>15 and Mr. Wright reviewed the film footage that he 13:35</p> <p>16 took? 13:35</p> <p>17 A I don't remember. I think that the police 13:35</p> <p>18 requested it, from what I recall, and I think that 13:35</p> <p>19 they took the disc, and so I don't think it was 13:35</p> <p>20 until a few weeks after the incident that we 13:35</p> <p>21 reviewed it. 13:35</p> <p>22 Q All right. 13:35</p> <p>23 And did you and Jordan talk about taking 13:35</p> <p>24 additional video in the future? 13:35</p> <p>25 A Not that I recall. I don't think we 13:35</p> <p style="text-align: right;">Page 164</p>
<p>1 specifically. I know that he was recording. 13:33</p> <p>2 Q Were you planning on recording that day in 13:33</p> <p>3 order to capture any potential encounters with 13:33</p> <p>4 anybody who might be harassing you or intimidating 13:33</p> <p>5 you that day? 13:33</p> <p>6 A I don't know. I just remember him telling 13:33</p> <p>7 me that he always records down there because he's 13:33</p> <p>8 had previous encounters that were negative. 13:33</p> <p>9 Q During the time that you were being 13:33</p> <p>10 intimidated and harassed on January 29th, what was 13:33</p> <p>11 Mr. Wright doing? 13:34</p> <p>12 A It's hard for me to remember what he was 13:34</p> <p>13 doing because I was so focused on the harassment 13:34</p> <p>14 that was happening, but I think that we were -- I 13:34</p> <p>15 think we were just both standing there, I think. 13:34</p> <p>16 Q You were scared; right? 13:34</p> <p>17 A Yeah. 13:34</p> <p>18 Q And Mr. Wright was there and he was 13:34</p> <p>19 filming you being scared; right? 13:34</p> <p>20 A He wasn't filming me specifically. There 13:34</p> <p>21 was a GoPro mounted on him that was filming so he 13:34</p> <p>22 wasn't, you know, it was just filming, it's not like 13:34</p> <p>23 he was pointing and filming. 13:34</p> <p>24 Q Did -- you've seen the film; right? 13:34</p> <p>25 A Yes. 13:34</p> <p style="text-align: right;">Page 163</p>	<p>1 specifically spoke about it. I just know that 13:35</p> <p>2 whenever he goes surf there he takes his GoPro. 13:36</p> <p>3 Q In the video, do you recall whether it 13:36</p> <p>4 captures you or Jordan telling the guy to go away, 13:36</p> <p>5 buzz off, anything like that, I'm going to call the 13:36</p> <p>6 cops, anything like that? 13:36</p> <p>7 A Yeah, I don't know. I don't think we said 13:36</p> <p>8 anything to him because we thought -- we thought he 13:36</p> <p>9 would leave us alone and go away. 13:36</p> <p>10 Q Okay. Okay. Let's go forward to 13:36</p> <p>11 February 13th again. 13:36</p> <p>12 When you got to Lunada Bay that day, what 13:36</p> <p>13 time was it? 13:36</p> <p>14 A It's hard for me to remember the specific 13:36</p> <p>15 time. I know it was daytime. It was the morning 13:36</p> <p>16 and it was daytime. 13:36</p> <p>17 Q Okay. And had you made any arrangements 13:36</p> <p>18 as far as you know with anybody to watch your cars 13:36</p> <p>19 that day? 13:36</p> <p>20 A I hadn't made any arrangements. I don't 13:37</p> <p>21 know if Jordan had. 13:37</p> <p>22 Q Do you remember Jordan saying anything 13:37</p> <p>23 about anybody watching the cars that day? 13:37</p> <p>24 A I don't remember anything right now about 13:37</p> <p>25 that. 13:37</p> <p style="text-align: right;">Page 165</p>


<p>1 Q All right. Do you know in Chris Taloa was 13:37 2 there that day? 13:37 3 A I don't remember. He may have been. 13:37 4 Q How about Kenny? 13:37 5 A He may have been as well, I don't 13:37 6 remember. 13:37 7 Q And did you drive with Jordan to 13:37 8 Lunada Bay that day? 13:37 9 A I think so. 13:37 10 Q All right. And had you and Jordan 13:37 11 discussed what to do in case you were intimidated or 13:37 12 harassed by anybody at Lunada Bay that day? 13:37 13 A I don't remember. 13:37 14 Q Did Jordan surf that day at all? 13:37 15 A On February 13th? 13:37 16 Q Yes. 13:37 17 A Yeah, Jordan did surf that day. 13:37 18 Q Okay. After you parked that day, what did 13:37 19 you -- after you parked that day, did you experience 13:38 20 any harassment while you were still in your car? 13:38 21 MR. FRANKLIN: Vague and ambiguous. 13:38 22 THE WITNESS: That day was very traumatic 13:38 23 for me so I blocked a lot of it out. It's hard for 13:38 24 me to remember a lot of the little details. So I 13:38 25 don't remember if people yelled at us as we were 13:38 Page 166</p>	<p>1 the hill on the beach, I remember, you know, people 13:39 2 yelling at us, yeah, everyone seemed pretty hostile. 13:40 3 BY MS. HEWITT: 13:40 4 Q When you say down to the beach, you mean 13:40 5 after you came down the bluff; right? 13:40 6 A Yes, after we came down the trail. 13:40 7 Q Down the trail, okay. 13:40 8 Did you see any police there at all 13:40 9 anytime during the day? 13:40 10 MR. FRANKLIN: Vague and ambiguous. 13:40 11 THE WITNESS: Yeah, I don't remember what 13:40 12 the situation was with the police when we arrived. 13:40 13 BY MS. HEWITT: 13:40 14 Q Okay. Were you aware that Cory Spencer 13:40 15 had asked for additional patrols to be provided by 13:40 16 the PVE P.D. for that day? 13:40 17 MR. FRANKLIN: Vague and ambiguous, lacks 13:40 18 foundation. 13:40 19 THE WITNESS: I don't know, I don't 13:40 20 remember at the time if I was aware of that or not. 13:40 21 BY MS. HEWITT: 13:40 22 Q Were you aware that he had asked for extra 13:40 23 patrols be provided before the January 29th visit? 13:41 24 MR. FRANKLIN: Vague and ambiguous, lacks 13:41 25 foundation. 13:41 Page 168</p>
<p>1 parking the car. 13:38 2 BY MS. HEWITT: 13:38 3 Q Okay. Fair enough. Do you remember 13:38 4 anybody yelling any profanities at you that day? 13:38 5 MR. FRANKLIN: Vague and ambiguous. 13:38 6 THE WITNESS: During what part of the day? 13:38 7 BY MS. HEWITT: 13:38 8 Q Any part of the day that you were there. 13:38 9 A Yes. 13:38 10 Q Okay. Tell me what you recall being 13:38 11 yelled at you as far as profanities? 13:38 12 MR. FRANKLIN: Vague and ambiguous. 13:38 13 THE WITNESS: You know, I don't remember 13:38 14 the specific insults, the specific words of the 13:38 15 insults that were yelled. I mean, I just -- I 13:38 16 remember various profanities of various instances. 13:39 17 I remember when we were preparing to walk down the 13:39 18 trail, there was a man, middle-aged blond haired 13:39 19 man, and a teenage boy that were filming us and they 13:39 20 were attempting to block the pathway, and they were 13:39 21 telling us that we were done, whatever that means. 13:39 22 I do remember some people yelling at us 13:39 23 when we were on the bluff, and I don't remember much 13:39 24 of the detail at this time. 13:39 25 I remember once we were at the bottom of 13:39 Page 167</p>	<p>1 THE WITNESS: I don't know if I knew that 13:41 2 at the time, I think that's when I first met him. 13:41 3 BY MS. HEWITT: 13:41 4 Q Okay. Do you know that Cory Spencer was 13:41 5 communicating with Police Chief Kepley around the 13:41 6 time of the visits? 13:41 7 A I know that I found out that he had asked 13:41 8 for the police at a later date. Whether or not I 13:41 9 knew that on February 13th or January 29th, I don't 13:41 10 remember if I knew that. I don't think I knew that 13:41 11 on January 29th because I didn't know him. 13:41 12 Q Okay. Fair enough. 13:41 13 The complaint indicates at some point you 13:41 14 were -- let's see -- you had spent about two hours 13:41 15 at Lunada Bay and then certain individual defendants 13:41 16 approached you with a case of beer. 13:41 17 Do you recall that? 13:42 18 A I do, but again, that event was very 13:42 19 traumatic to me so I do remember what happened but I 13:42 20 have blocked out certain small details of it and, 13:42 21 you know, with my pregnancy, my memory right now, 13:42 22 certain things are hard to remember but I'm doing my 13:42 23 best to remember. 13:42 24 Q Tell me what you remember -- and I 13:42 25 appreciate that. 13:42 Page 169</p>

1	MR. FRANKLIN: Vague and ambiguous.	13:42	1	BY MS. HEWITT:	13:45
2	THE WITNESS: Specifically, what would you	13:42	2	Q Okay. And the man who you said you had a	13:45
3	like to know?	13:42	3	conversation with, can you describe that man?	13:45
4	BY MS. HEWITT:	13:42	4	A It's hard for me to remember the details	13:45
5	Q Specifically, my question is about: Do	13:42	5	specifically, but I remember that he was a man,	13:45
6	you remember being approached by individual	13:42	6	middle-aged man, from what I recall, dark hair, he	13:45
7	defendants with a case of beer?	13:42	7	did not appear to be intoxicated. Just, you know,	13:45
8	A Yes.	13:42	8	ordinary-looking middle-aged man, nothing unusual	13:46
9	Q What do you remember about being	13:42	9	about him.	13:46
10	approached by individual defendants with a case of	13:42	10	Q Okay. And what was the conversation you	13:46
11	beer?	13:42	11	had with him?	13:46
12	A I remember that they approached me very	13:42	12	A He started asking me a lot of questions	13:46
13	rapidly and I was caught by surprise. I remember	13:42	13	and it was a little bit uncomfortable because I felt	13:46
14	that they rushed towards me in a hostile manner. I	13:42	14	as though I was being interrogated and I didn't	13:46
15	remember, you know, declining that I wanted to drink	13:43	15	quite understand why because I was just there to	13:46
16	beer. I remember being videotaped by	13:43	16	enjoy the beach and take photos.	13:46
17	Brant Blakeman. I remember there were times when I	13:43	17	Q About how long did that conversation last?	13:46
18	was being videotaped very close to my face and it	13:43	18	A It's hard for me to say how long it	13:46
19	felt very intimidating and definitely felt like I	13:43	19	lasted. I would say it lasted maybe ten minutes,	13:46
20	was being harassed. And I think that I asked them,	13:43	20	probably not more than 30. I don't remember	13:46
21	you know, why they're videotaping me because it made	13:43	21	specifically how long it took.	13:46
22	me very uncomfortable.	13:43	22	Q What was Jordan doing at this time?	13:46
23	I remember Mr. Johnston opening the can of	13:43	23	A I think Jordan was already surfing. I'm	13:47
24	beer in a way that sprayed my arm and my camera. I	13:43	24	not sure if he was already surfing, but I know that	13:47
25	remember him chucking beer and throwing beer cans on	13:44	25	he was paddling out and he might have been sitting	13:47
Page 170			Page 172		
1	the floor. I remember him being very loud and very	13:44	1	and waiting for waves, I don't remember.	13:47
2	scary, very intimidating, and acting in a sexual	13:44	2	Q Were you alone?	13:47
3	manner.	13:44	3	A From what I remember, I think so. I think	13:47
4	Q Where did this take place?	13:44	4	that -- I think that I would be the only person	13:47
5	A These events took place in the fort.	13:44	5	there with him, I'm not -- I'm not sure.	13:47
6	Q Okay. When -- why did you go to the fort	13:44	6	Q Was anybody else surfing at the time?	13:47
7	initially?	13:44	7	A I don't know, I don't remember that. I	13:47
8	A I initially went to the fort to take	13:44	8	know that, you know, there were people changing as I	13:47
9	photographs of Jordan, as he was surfing.	13:44	9	was walking there, but who was in the water I don't	13:47
10	Q Okay. When you went to the fort, were	13:44	10	remember at this time.	13:47
11	there already people in the fort?	13:44	11	Q With regard to the man -- sorry, the	13:47
12	A I don't remember if there was already	13:44	12	individual defendants who approached you with a case	13:47
13	someone in the fort or not when I first went into	13:44	13	of beer, do you know who those individual defendants	13:47
14	the fort.	13:44	14	were?	13:47
15	Q Do you have any recollection of there	13:44	15	A I know who they are now.	13:47
16	being anybody in the -- in the fort area when you	13:45	16	Q Okay. Who are they?	13:47
17	went to the fort?	13:45	17	A Brant Blakeman and Jalian Johnston.	13:47
18	MR. FRANKLIN: Vague, ambiguous.	13:45	18	Q Did they discuss the L.A. Times article at	13:48
19	THE WITNESS: I don't remember if there	13:45	19	all with you?	13:48
20	was someone as I was walking into the fort. I do	13:45	20	A They made statements related to the	13:48
21	remember having conversations with a certain man in	13:45	21	L.A. Times article, yes.	13:48
22	the fort prior to these two individuals, but whether	13:45	22	MR. CAREY: Objection, vague as to "they."	13:48
23	he was there as I was walking up the steps I don't	13:45	23	BY MS. HEWITT:	13:48
24	remember that detail.	13:45	24	Q Do you remember who it was that made	13:48
25	///		25	statements to you about the L.A. Times article?	13:48
Page 171			Page 173		

<p>1 A I mean, I know Jalian made statements. I 13:48</p> <p>2 don't remember if Brant Blakeman made the statements 13:48</p> <p>3 or if he was just recording at that time. 13:48</p> <p>4 Q Okay. And when you were approached by the 13:48</p> <p>5 individual defendants with a case of beer, where was 13:48</p> <p>6 Jordan? 13:48</p> <p>7 A Jordan had went to go surf, but I don't 13:48</p> <p>8 remember, you know, specifically where he was, 13:48</p> <p>9 whether, you know, what position he was in in the 13:48</p> <p>10 water or anything, I don't remember. 13:49</p> <p>11 Q But he wasn't with you while you were 13:49</p> <p>12 encountering the individual defendants; is that 13:49</p> <p>13 correct? 13:49</p> <p>14 A Yes. 13:49</p> <p>15 Q All right. While you were in the fort, 13:49</p> <p>16 did you make any attempts to leave the fort? 13:49</p> <p>17 MR. FRANKLIN: Vague and ambiguous. 13:49</p> <p>18 THE WITNESS: At what point in time? 13:49</p> <p>19 BY MS. HEWITT: 13:49</p> <p>20 Q When you were being -- when you were 13:49</p> <p>21 talking with -- I think you said Blakeman and 13:49</p> <p>22 Johnston with regard to the beer and that particular 13:49</p> <p>23 time, during that sequence of events, did you 13:49</p> <p>24 attempt to leave the fort? 13:49</p> <p>25 MR. FRANKLIN: Vague and ambiguous. 13:49</p> <p style="text-align: right;">Page 174</p>	<p>1 A I don't know. Again, I've blocked a lot 13:50</p> <p>2 of this out because I've lost a lot of sleep over it 13:50</p> <p>3 and it was very traumatic to me, but I do remember 13:51</p> <p>4 him spraying beer on my arm and on the camera. 13:51</p> <p>5 Q Was your camera damaged? 13:51</p> <p>6 A Thankfully, the camera was not damaged. 13:51</p> <p>7 You know, I remember there were drops of beer all 13:51</p> <p>8 over it, but I do remember that it still continued 13:51</p> <p>9 to work, so... 13:51</p> <p>10 Q Were you filming this event at all, or 13:51</p> <p>11 recording it? 13:51</p> <p>12 A No, I was not. 13:51</p> <p>13 Q Was anybody else as far as you're aware 13:51</p> <p>14 filming or recording this event? 13:51</p> <p>15 A Mr. Blakeman was filming the event. 13:51</p> <p>16 Q How did you find that out? 13:51</p> <p>17 A He had a camera that was pointed at me 13:51</p> <p>18 during the -- during the event, but I don't know, 13:52</p> <p>19 you know, how much of it he was filming or wasn't 13:52</p> <p>20 filming. I don't know if he was recording or not. 13:52</p> <p>21 But I do remember that there were instances where he 13:52</p> <p>22 had a camera close to my face. 13:52</p> <p>23 Q And was it only Mr. Blakeman that had the 13:52</p> <p>24 camera? 13:52</p> <p>25 A He's the only person that I remember to be 13:52</p> <p style="text-align: right;">Page 176</p>
<p>1 THE WITNESS: I'm having trouble 13:49</p> <p>2 understanding to when you're asking me specifically. 13:49</p> <p>3 BY MS. HEWITT: 13:49</p> <p>4 Q How long were you in the fort after you 13:49</p> <p>5 were approached with the case of beer? 13:49</p> <p>6 A I don't remember. It's hard for me to 13:49</p> <p>7 pinpoint exact amount of time. 13:50</p> <p>8 Q Do you recall trying to leave the fort and 13:50</p> <p>9 being unable to do so because you were blocked? 13:50</p> <p>10 MR. FRANKLIN: Vague and ambiguous. 13:50</p> <p>11 THE WITNESS: I recall them standing in 13:50</p> <p>12 front of me, and the way to leave would be to go, 13:50</p> <p>13 you know, to get close to them. And I do recall 13:50</p> <p>14 attempting to call the police but not having cell 13:50</p> <p>15 phone service. 13:50</p> <p>16 BY MS. HEWITT: 13:50</p> <p>17 Q Okay. In your complaint you say that 13:50</p> <p>18 Johnston poured beer on your arm. Is that separate 13:50</p> <p>19 from what you told me earlier where that he sprayed 13:50</p> <p>20 your arm and your camera with beer? 13:50</p> <p>21 A No, that's the same. 13:50</p> <p>22 Q Same thing? 13:50</p> <p>23 A Hmm-mm. 13:50</p> <p>24 Q So he didn't separately pour beer on your 13:50</p> <p>25 arm as opposed to spraying your arm and your camera? 13:50</p> <p style="text-align: right;">Page 175</p>	<p>1 filming me with his camera. 13:52</p> <p>2 Q Okay. Okay. At any point, did you walk 13:52</p> <p>3 away when they were making the, I think you said, 13:52</p> <p>4 sexual references to you; were you able to walk away 13:52</p> <p>5 at that point and exit the fort? 13:52</p> <p>6 MR. FRANKLIN: Vague and ambiguous. 13:52</p> <p>7 THE WITNESS: I was not able to exit the 13:52</p> <p>8 fort, I was frozen in fear. 13:52</p> <p>9 BY MS. HEWITT: 13:52</p> <p>10 Q All right. At some point, were you able 13:52</p> <p>11 to leave the fort? 13:53</p> <p>12 A I was able to leave the fort at some 13:53</p> <p>13 point, yes. 13:53</p> <p>14 Q Can you tell me what the sexual comments 13:53</p> <p>15 were that were made to you that you referenced 13:53</p> <p>16 earlier? 13:53</p> <p>17 A I don't remember all of them. 13:53</p> <p>18 Q I understand. 13:53</p> <p>19 A I do remember asking, you know, why I was 13:53</p> <p>20 being filmed and, you know, being told that they're 13:53</p> <p>21 filming me because I'm sexy. I remember 13:53</p> <p>22 Mr. Johnston saying that he's big enough to get the 13:53</p> <p>23 job done while, you know, also, you know, he was 13:53</p> <p>24 also grunting and making -- making moans and noises 13:53</p> <p>25 resembling, you know, an orgasm. He was, you know, 13:54</p> <p style="text-align: right;">Page 177</p>

<p>1 thrusting and rubbing his torso in a sexual manner, 13:54 2 just acting in a very -- very frightening way. 13:54 3 Q Was there anybody else in the fort or fort 13:54 4 area during this time who wasn't part of the group 13:54 5 of men? 13:54 6 A What do you mean by the group of men? 13:54 7 Q Were there any women down there as well? 13:54 8 A Yes, there was a woman down there. 13:54 9 Q Who was that? 13:54 10 A Woman named Jen. 13:54 11 Q Was she a friend of yours? 13:54 12 A No. 13:54 13 Q Did you just meet her that day? 13:54 14 A Yes, sir. 13:54 15 Q How did you meet Jen that day? 13:54 16 A Jen walked into the fort when we were 13:54 17 there. 13:54 18 Q Did she walk into the fort while the men 13:54 19 were talking to you? 13:54 20 A Which men? 13:54 21 Q Any of the men. 13:54 22 A Which men specifically? I don't know, I 13:54 23 was approached by many men. 13:54 24 Q Okay. Did you -- did Jen walk into the 13:54 25 fort prior to you being approached by the 13:55</p> <p style="text-align: right;">Page 178</p>	<p>1 Q So she's in the fort at this time, though; 13:56 2 right? 13:56 3 A Yes. 13:56 4 Q So while you're having beer sprayed on 13:56 5 your arm, she was taking pictures of somebody 13:56 6 surfing; is that right? 13:56 7 A I don't know what she was doing, I wasn't 13:56 8 paying attention to what she was doing. 13:56 9 Q Did she speak up for you and say, Hey, 13:56 10 knock it off, guys, anything like that? 13:56 11 A I don't remember. 13:56 12 Q Do you remember if she was nearby when the 13:56 13 sexual comments that you discussed earlier, rubbing 13:56 14 of the belly and orgasmic comments were being made 13:56 15 to you whether she was nearby? 13:56 16 A I think so. 13:56 17 Q Was she looking at you all when that was 13:56 18 occurring? 13:56 19 MR. FRANKLIN: Lacks foundation. 13:56 20 THE WITNESS: I don't know what she was 13:56 21 looking at. Again, I was pretty scared and I wasn't 13:56 22 paying attention to what she was doing at the time. 13:57 23 BY MS. HEWITT: 13:57 24 Q Did you call her and say, Jen, can you 13:57 25 help me out here for a second? 13:57</p> <p style="text-align: right;">Page 180</p>
<p>1 individuals with the case of beer? 13:55 2 A I think so, yes, I think she walked into 13:55 3 the fort prior to that. 13:55 4 Q Did you have any conversations with her? 13:55 5 A Did I have a conversation with her? 13:55 6 Q Yes. 13:55 7 A I think I had a conversation with her and 13:55 8 I believe she told me she was there to take photos 13:55 9 of Dave. 13:55 10 Q And Dave, your friend Dave? 13:55 11 A Yeah. And she also told me that she was 13:55 12 harassed on her way down there. She explained some 13:55 13 of the things that had happened to her. 13:55 14 Q Okay. Do you know if she witnessed any of 13:55 15 the beer being sprayed on your arm and camera? 13:55 16 A I don't know what she witnessed and what 13:55 17 she didn't witness. She was also taking photos at 13:55 18 the time so... 13:55 19 Q Was she in the fort at the time when the 13:55 20 beer was sprayed on your arm? 13:56 21 A Yes. 13:56 22 Q When you say you think she was taking 13:56 23 photos, you think she was taking photos of what? 13:56 24 A She was taking photos of her friend Dave 13:56 25 who was surfing. 13:56</p> <p style="text-align: right;">Page 179</p>	<p>1 A I was too scared to do anything. 13:57 2 Q Okay. At some point did you get in touch 13:57 3 with any police that were at the beach or the bluff 13:57 4 in order to get a police escort down to the beach? 13:57 5 MR. FRANKLIN: Lacks foundation. 13:57 6 THE WITNESS: At what point? I'm having 13:57 7 trouble understanding the question. 13:57 8 BY MS. HEWITT: 13:57 9 Q At any time, on February 13th, did you 13:57 10 talk to the police at all that day about assisting 13:57 11 you with regard to any harassment at Lunada Bay? 13:57 12 MR. FRANKLIN: Vague and ambiguous. 13:57 13 THE WITNESS: Can you be more specific 13:57 14 please? 13:57 15 BY MS. HEWITT: 13:57 16 Q Did you talk to the police at all that 13:57 17 day? 13:57 18 MR. FRANKLIN: Vague and ambiguous. 13:57 19 THE WITNESS: I spoke to the police on 13:57 20 February 13th, yes. 13:57 21 BY MS. HEWITT: 13:57 22 Q So when did you speak to them? 13:57 23 A I, you know, after I made it up the trail, 13:57 24 I saw a police car parked on the bluff and I 13:58 25 approached them immediately, I was in tears, and I 13:58</p> <p style="text-align: right;">Page 181</p>

<p>1 told them what had happened down there. 13:58</p> <p>2 Q Okay. And what did the police officer do? 13:58</p> <p>3 A He -- he listened to what I had to say 13:58</p> <p>4 and, you know, I don't remember the exact sequence 13:58</p> <p>5 of events. I know he eventually took a report. I 13:58</p> <p>6 don't know if he took the report or if someone else 13:58</p> <p>7 took a report but I know a report was taken, and I 13:58</p> <p>8 know that at one point a police officer escorted me 13:58</p> <p>9 back down the trail to try and see if those 13:58</p> <p>10 individuals were still down there and try to 13:58</p> <p>11 identify them. 13:58</p> <p>12 Q Do you remember how many police officers 13:58</p> <p>13 there were? 13:58</p> <p>14 A I don't, no. 13:58</p> <p>15 Q Do you remember at some point there being 13:59</p> <p>16 three or four? 13:59</p> <p>17 A I don't remember the amount. 13:59</p> <p>18 Q All right. Did you ask the police officer 13:59</p> <p>19 to do anything specific? 13:59</p> <p>20 A What I remember is I remember telling them 13:59</p> <p>21 what happened and I remember filing the report and I 13:59</p> <p>22 remember going down there to try and identify the 13:59</p> <p>23 individual. 13:59</p> <p>24 Q And were you able to -- I'm sorry I 13:59</p> <p>25 interrupted you? 13:59</p> <p style="text-align: right;">Page 182</p>	<p>1 (DECLARATION UNDER PENALTY OF PERJURY ON</p> <p>2 THE FOLLOWING PAGE HEREOF.)</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 184</p>
<p>1 A No, no problem. 13:59</p> <p>2 He wasn't down there when we went down 13:59</p> <p>3 there; all we found was a broken board that 13:59</p> <p>4 resembled the board that I had seen him use. 13:59</p> <p>5 Q Did you go back down to the fort? 13:59</p> <p>6 A I went back down there with the police. 13:59</p> <p>7 Q Were there people in the fort still? 13:59</p> <p>8 A There were some people in the fort, 13:59</p> <p>9 Charlie was down there as well. 13:59</p> <p>10 Q How do you know that was Charlie? 13:59</p> <p>11 A Because the police said, "Hi, Charlie" and 13:59</p> <p>12 apparently the police said that he knew him. 14:00</p> <p>13 Q Okay. 14:00</p> <p>14 MS. HEWITT: What time is it? Where are 14:00</p> <p>15 we at? Are we at 3:30? 14:00</p> <p>16 MR. FRANKLIN: I have 3:31, but -- 14:00</p> <p>17 THE VIDEOGRAPHER: Yes, that's probably 14:00</p> <p>18 it. 14:00</p> <p>19 MS. HEWITT: We're concluding. 14:00</p> <p>20 THE VIDEOGRAPHER: Okay. This concludes 14:00</p> <p>21 Volume 1 deposition of Ms. Diana Milena Reed, we are 14:00</p> <p>22 off the record at 2:00 o'clock. 14:00</p> <p>23 (Whereupon the deposition was concluded at</p> <p>24 2:00 p.m.)</p> <p>25</p> <p style="text-align: right;">Page 183</p>	<p>1 ***</p> <p>2</p> <p>3</p> <p>4 I, DIANA MILENA REED, do solemnly declare</p> <p>5 under penalty of perjury that the foregoing is my</p> <p>6 deposition under oath; that these are the questions</p> <p>7 asked of me and my answers thereto; that I have read</p> <p>8 same and have made the necessary corrections,</p> <p>9 additions, or changes to my answers that I deem</p> <p>10 necessary.</p> <p>11 It witness thereof, I hereby subscribe my</p> <p>12 name this day of _____, 2016.</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 185</p>

<p>1 Certification of Court Reporter 2 Federal Jurat 3 4 I, the undersigned, a Certified Shorthand 5 Reporter of the State of California do hereby 6 certify: 7 That the foregoing proceedings were taken 8 before me at the time and place herein set forth; 9 that any witnesses in the foregoing proceedings, 10 prior to testifying, were placed under oath; that a 11 verbatim record of the proceedings was made by me 12 using machine shorthand which was thereafter 13 transcribed under my direction; further, that the 14 foregoing is an accurate transcription thereof. 15 That before completion of the deposition, a 16 review of the transcript [x] was [] was not 17 requested. I further certify that I am neither 18 financially interested in the action nor a relative 19 or employee of any attorney of any of the parties. 20 IN WITNESS WHEREOF, I have this date 21 subscribed my name. 22 Dated: November 3, 2016 23 24  25 Jimmy Rodriguez, RPR Certificate Number 13464</p>	<p>Page 186</p>

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

CORY SPENCER, an individual; DIANA)
MILENA REED, an individual; and)
COASTAL PROTECTION RANGERS, INC., a)
California non-profit public benefit)
corporation,) Case No.
2:16-cv-02129-SJO-RAO
Plaintiffs,)
vs.)
LUNADA BAY BOYS, et al.,)
Defendants.)
_____)

VIDEOTAPED DEPOSITION OF DIANA MILENA REED
VOLUME II

Santa Monica, California
Tuesday, October 25, 2016

REPORTED BY:
Jimmy S. Rodriguez
CSR No. 13464

<p>1 UNITED STATES DISTRICT COURT 2 CENTRAL DISTRICT OF CALIFORNIA 3 WESTERN DIVISION 4 5 CORY SPENCER, an individual; DIANA) 6 MILENA REED, an individual; and) 7 COASTAL PROTECTION RANGERS, INC., a) 8 California non-profit public benefit 9 corporation,) Case No. 10) 2:16-cv-02129-SJO-RAO 11 Plaintiffs,) 12) 13 vs.) 14) 15 LUNADA BAY BOYS, et al.,) 16) 17 Defendants.) 18 19 Videotaped deposition of DIANA MILENA REED, Volume II, 20 taken before Jimmy Rodriguez, a Certified Shorthand 21 Reporter for the State of California, with principal 22 office in the County of Orange, commencing at 9:24 a.m., 23 Tuesday, October 25, 2016 at Premier Business Centers - 24 The Water Garden, 2425 Olympic Boulevard, Suite 4000, 25 Santa Monica, California.</p> <p style="text-align: right;">Page 188</p>	<p>1 APPEARANCES OF COUNSEL (Continued): 2 FOR DEFENDANT, Alan Johnston aka Jalian Johnston: 3 LAW OFFICES OF J. PATRICK CAREY 4 BY: J. PATRICK CAREY, Esq. 5 1230 Rosecrans Avenue 6 Suite 300 7 Manhattan Beach, CA 90266 8 TEL: (310) 526-2237 9 Pat@patcareylaw.com 10 11 FOR DEFENDANT, Angelo Ferrara and N.F.: 12 13 LAW OFFICES OF MARK C. FIELDS, APC 14 BY: MARK C. FIELDS, Esq. 15 333 South Hope Street 16 35th Floor 17 Los Angeles, CA 90071 18 TEL: (213) 617-5225 19 FAX: (213) 629-4520 20 Fields@markfieldslaw.com 21 22 FOR DEFENDANT, Sang Lee: 23 24 LEWIS BRISBOIS BISGAARD & SMITH 25 BY: TERA A. LUTZ, Esq. 633 West 5th Street Suite 4000 Los Angeles, CA 90071 TEL: (213) 250-1800 FAX: (213) 250-7900 Tera.lutz@lewisbrisbois.com FOR DEFENDANT, Sang Lee: BOOTH MITCHEL & STRANGE, LLP BY: JACKIE K. VU, Esq. 707 Wilshire Boulevard Suite 3000 Los Angeles, CA 90017 TEL: (213) 738-0100 FAX: (213) 380-3308 Jkvu@boothmitchel.com</p> <p style="text-align: right;">Page 190</p>
<p>1 APPEARANCES OF COUNSEL: 2 FOR PLAINTIFFS: 3 HANSON BRIDGETT, LLP 4 BY: KURT A. FRANKLIN, Esq. 5 425 Market Street 6 26th Floor 7 San Francisco, CA 94105 8 TEL: (415) 777-3200 9 FAX: (415) 541-9366 10 Kfranklin@hansonbridgett.com 11 12 FOR DEFENDANTS, City of Palos Verdes Estates and Chief of 13 Police Jeff Kepley: 14 15 KUTAK ROCK, LLP 16 BY: ANTOINETTE P. HEWITT, Esq. 17 5 Park Plaza 18 Suite 1500 19 Irvine, CA 92614 20 TEL: (949) 417-0999 21 FAX: (949) 417-5394 22 Antoinette.hewitt@kutakrock.com 23 24 FOR DEFENDANT, Brant Blakeman: 25 26 VEATCH CARLSON, LLP 27 BY: RICHARD P. DIEFFENBACH, Esq. 28 1055 Wilshire Boulevard 29 11th Floor 30 Los Angeles, CA 90017 31 TEL: (213) 381-2861 32 FAX: (213) 383-6370 33 Rdieffenbach@veatchfirm.com</p> <p style="text-align: right;">Page 189</p>	<p>1 APPEARANCES OF COUNSEL (Continued): 2 FOR DEFENDANT, Michael Ray Papayans: 3 HAVEN LAW 4 BY: PETER T. HAVEN, Esq. 5 1230 Rosecrans Avenue 6 Suite 300 7 Manhattan Beach, CA 90266 8 TEL: (213) 842-4617 9 FAX: (213) 477-2137 10 Peter@havenlaw.com 11 12 Also Present: 13 JAMES KORALEK, Videographer</p> <p style="text-align: right;">Page 191</p>

1	I N D E X			1	please state them at the time of your appearance	09:26
2				2	beginning with the noticing attorney.	09:26
3	EXAMINATIONS	PAGE		3		09:26
4	BY MS. HEWITT	194		4	EXAMINATION	09:26
5	BY MR. DIEFFENBACH	294		5	BY MS. HEWITT:	09:26
6	BY MR. FIELDS	343		6	Q Ms. Reed, do you understand that you're	09:26
7	BY MR. CAREY	351		7	still under oath today?	09:26
8	BY MS. LUTZ	365		8	A Yes.	09:26
9	BY MR. HAVEN	369		9	MS. HEWITT: All right. Let's get a quick	09:26
10				10	rundown of who's here today.	09:26
11	E X H I B I T S			11	Antoinette Hewitt for the City and for	09:26
12				12	Chief Kopley.	09:26
13	Exhibit Description PAGE			13	MR. DIEFFENBACH: Richard Dieffenbach for	09:26
14	Exhibit 51 Proof of Service of Diana Reed	243		14	Brant Blakeman, defendant.	09:26
15	Exhibit 52 Request For Entry of Default	243		15	MS. VU: Jackie Vu for Defendant Sang Lee.	09:26
16	Exhibit 53 documents and flash drive	373		16	MS. LUTZ: Tera Lutz for Defendant	09:26
17				17	Sang Lee.	09:26
18	WITNESS INSTRUCTED NOT TO ANSWER			18	MR. FIELDS: Mark Fields for Angelo	09:26
19	(None)			19	Ferrara and NF.	09:26
20				20	MR. HAVEN: Peter Haven for Michael	09:26
21				21	Papayans.	09:26
22	INFORMATION REQUESTED			22	MR. CAREY: Pat Carey for Defendant Alan	09:26
23	PAGE LINE			23	Johnston.	09:26
24	331 7			24	MR. FRANKLIN: Kurt Franklin on behalf of	09:26
25				25	Diana Milena Reed and the other plaintiffs in this	09:26
			Page 192			Page 194
1	Tuesday, October 25, 2016, 9:24 a.m.			1	matter.	09:26
2	Santa Monica, California			2	And as before, we just ask that at the end	09:26
3		09:20		3	of the deposition once it's transcribed that the	09:26
4	THE VIDEOGRAPHER: Good morning, we are on	09:24		4	plaintiff be allowed to make changes if necessary	09:26
5	the record at 9:24 a.m. on October 25th, 2016. This	09:24		5	under Rule 30.	09:26
6	is the video recorded deposition of Diana Milena	09:24		6	BY MS. HEWITT:	09:26
7	Reed, Volume 2. My name is James Koralek here with	09:24		7	Q Good morning, Ms. Reed.	09:26
8	our court reporter, Jimmy Rodriguez, we are here	09:24		8	A Good morning.	09:26
9	from Veritext Legal Solutions by the request of the	09:24		9	THE VIDEOGRAPHER: Thank you. The witness	09:26
10	defendant.	09:25		10	will be sworn in, and Counsel may begin the	09:26
11	This deposition is being held at Premier	09:25		11	examination.	09:27
12	Business Center, 2425 Olympic Boulevard, Suite 4000,	09:25		12	MS. HEWITT: She was sworn in yesterday,	09:27
13	in Santa Monica, 90404. The caption of the case is	09:25		13	so --	09:27
14	Spencer, et al., versus Lunada Bay Boys, et al.	09:25		14	THE VIDEOGRAPHER: Oh, sorry.	09:27
15	Case number 2:16-CV-02129-SJO-RAO.	09:25		15	MS. HEWITT: That's okay.	09:27
16	Please note that audio and video recording	09:25		16	BY MS. HEWITT:	09:27
17	will take place unless all parties agree to go off	09:25		17	Q We already discussed that. You understand	09:27
18	the record.	09:25		18	you're still under oath?	09:27
19	Microphones are sensitive and may pick up	09:25		19	A All right.	09:27
20	whispers and private conversations and cellular	09:25		20	Q Ms. Reed, yesterday we discussed some of	09:27
21	interference. I'm not authorized to administer an	09:25		21	the other names that you have previously gone by and	09:27
22	oath, I'm not related to any party in this action,	09:25		22	you gave us a couple and said that's all you	09:27
23	nor am I financially interested in the outcome in	09:25		23	remember. I just want to ask you a couple others.	09:27
24	any way.	09:25		24	Have you ever gone by Sophia Reed?	09:27
25	If there are any objections to proceeding,	09:25		25	A No.	09:27
			Page 193			Page 195

<p>1 Q Do you know who Sophia Reed is? 09:27</p> <p>2 A Well, Sophia is my middle name. I haven't 09:27</p> <p>3 used it. And then Sophia is also the name of my 09:27</p> <p>4 ex-husband's daughter. 09:27</p> <p>5 Q Have you ever gone by Diana Milena Sophia 09:27</p> <p>6 Gabrielle? 09:27</p> <p>7 A Those are all my middle names. 09:27</p> <p>8 Q Have you ever gone by Grace? 09:27</p> <p>9 A It's my middle name. 09:27</p> <p>10 Q Okay. So yes, you've gone by that name 09:27</p> <p>11 before? 09:27</p> <p>12 A I may have, you know, had people call me 09:27</p> <p>13 by that name at some point when I was a kid. 09:28</p> <p>14 Q What is Visual Inspiration LLC? 09:28</p> <p>15 A It was a company I started when I was 18. 09:28</p> <p>16 Q Okay. And that company, was it still 09:28</p> <p>17 doing business in approximately 2012? 09:28</p> <p>18 A I don't remember. 09:28</p> <p>19 Q Did you -- did Visual Inspiration do any 09:28</p> <p>20 work with your soon-to-be ex-husband's companies? 09:28</p> <p>21 A It did not, but I know that there was one 09:28</p> <p>22 point where he did use my bank account because he 09:28</p> <p>23 told me that he can't get his own bank account. 09:28</p> <p>24 Q And were you the -- if you recall, do you 09:28</p> <p>25 know, were you ever listed as the service for -- 09:28</p> <p style="text-align: right;">Page 196</p>	<p>1 company or not. I was 18 and I was just out of high 09:29</p> <p>2 school, so it's hard for me to remember. 09:29</p> <p>3 Q As you sit here today, do you have any 09:29</p> <p>4 recollection of acting in any -- any production of 09:29</p> <p>5 Visual Inspiration? 09:30</p> <p>6 A Possibly, yeah, I mean, I don't really 09:30</p> <p>7 remember, you know. 09:30</p> <p>8 Q As you sit here today, you don't have a 09:30</p> <p>9 recollection; is that correct? 09:30</p> <p>10 A Yeah, I don't remember. 09:30</p> <p>11 Q Putting aside Visual Inspiration, have you 09:30</p> <p>12 acted in any -- in any movie -- large, small, 09:30</p> <p>13 homemade, anything like that? 09:30</p> <p>14 A Yeah, I have. 09:30</p> <p>15 Q How many times? 09:30</p> <p>16 A I don't remember. I mean, nothing large. 09:30</p> <p>17 Mostly just my own little projects or things I did 09:30</p> <p>18 with my friends. Yeah, not anything significant 09:30</p> <p>19 that I can think of. Student films. 09:30</p> <p>20 Q Student films? 09:30</p> <p>21 A As well. 09:30</p> <p>22 Q Have you ever acted in anything that was 09:30</p> <p>23 distributed in any fashion for sale? 09:30</p> <p>24 A Not that I would know of. 09:30</p> <p>25 Q Have you ever been sued for fraud? 09:30</p> <p style="text-align: right;">Page 198</p>
<p>1 agent for service of process for Visual Inspiration 09:28</p> <p>2 LLC? 09:28</p> <p>3 A I'm not sure what that means. 09:28</p> <p>4 Q Do you know -- do you ever remember 09:28</p> <p>5 agreeing to be the agent for service of process, 09:28</p> <p>6 just that particular -- agent for service of process 09:28</p> <p>7 for Visual Inspiration? 09:29</p> <p>8 A No, I know I was the managing member of 09:29</p> <p>9 the LLC. 09:29</p> <p>10 Q What do you understand that to mean -- 09:29</p> <p>11 sorry, I interrupted you. Go ahead. 09:29</p> <p>12 A Like I was the owner of the LLC was my 09:29</p> <p>13 understanding. 09:29</p> <p>14 Q You were the owner of Visual Inspiration 09:29</p> <p>15 LLC? 09:29</p> <p>16 A Hmm-mm. 09:29</p> <p>17 Q What was Visual Inspiration LLC? 09:29</p> <p>18 A It was a company I started when I was 18 09:29</p> <p>19 and I graduated from high school, and the goal was 09:29</p> <p>20 to make inspiring films and projects and, you know, 09:29</p> <p>21 any kind of media work that, I guess, makes a 09:29</p> <p>22 difference in a positive way. 09:29</p> <p>23 Q Did you act in any of those movies? 09:29</p> <p>24 A I -- honestly, I don't remember if I, 09:29</p> <p>25 like, officially, you know, made anything under that 09:29</p> <p style="text-align: right;">Page 197</p>	<p>1 A Not that I know of, no. 09:31</p> <p>2 Q Have you ever had a judgment entered 09:31</p> <p>3 against you with regard to a lawsuit in which you 09:31</p> <p>4 were sued for fraud? 09:31</p> <p>5 A Not that I'm aware of, no. 09:31</p> <p>6 Q Have you ever been served with a judgment 09:31</p> <p>7 in which -- judgment in a case in which you were 09:31</p> <p>8 sued for fraud? 09:31</p> <p>9 A Not to my knowledge. 09:31</p> <p>10 Q Have you ever been sued by a person by the 09:31</p> <p>11 last name of Rubin, R-u-b-i-n? 09:31</p> <p>12 A I haven't heard of that person, no. 09:31</p> <p>13 Q Have you ever been sued by the entity 09:31</p> <p>14 called Superfin, S-u-p-e-r-f-i-n, for fraud in the 09:31</p> <p>15 L.A. Superior Court? 09:31</p> <p>16 A Not that I know of, no. 09:31</p> <p>17 Q Have you ever -- let me ask you this: Do 09:31</p> <p>18 you recall an entity called Superfin? 09:31</p> <p>19 A I do not, no. 09:31</p> <p>20 Q Have you ever had a judgment entered 09:31</p> <p>21 against you by the Berger Trust in Santa Monica 09:31</p> <p>22 Municipal Court? 09:32</p> <p>23 A Not that I know of. 09:32</p> <p>24 Q Have you ever had a judgment entered 09:32</p> <p>25 against you in Santa Monica Municipal Court? 09:32</p> <p style="text-align: right;">Page 199</p>

<p>1 A Not that I know of. I think my -- if it's 09:32</p> <p>2 related to my divorce, I think that was filed in 09:32</p> <p>3 L.A., I'm not sure. 09:32</p> <p>4 Q Have you ever been sued for breach of 09:32</p> <p>5 contract? 09:32</p> <p>6 A Not that I know of, no. 09:32</p> <p>7 Q Have you ever been sued for negligent 09:32</p> <p>8 misrepresentation? 09:32</p> <p>9 A No, not that I know of. 09:32</p> <p>10 Q Did your -- are you aware that your 09:32</p> <p>11 soon-to-be ex-husband has been sued several times? 09:32</p> <p>12 A I have read the press articles about him 09:32</p> <p>13 recently, and, you know, it was very surprising for 09:32</p> <p>14 me to hear. And, you know, I don't really know what 09:32</p> <p>15 the truth is behind his business because I wasn't 09:32</p> <p>16 actively involved in his proceedings. 09:32</p> <p>17 Q Would you be surprised to hear that you 09:32</p> <p>18 had been sued for fraud in court with regard to any 09:33</p> <p>19 of your dealings with your soon-to-be ex-husband's 09:33</p> <p>20 business? 09:33</p> <p>21 MR. FRANKLIN: Objection, argumentative. 09:33</p> <p>22 THE WITNESS: I would be surprised if it 09:33</p> <p>23 included my name, yes, I would be very surprised. 09:33</p> <p>24 BY MS. HEWITT: 09:33</p> <p>25 Q Yes, okay. 09:33</p> <p style="text-align: right;">Page 200</p>	<p>1 And is Ada, A-d-a? 09:34</p> <p>2 A Yes. 09:34</p> <p>3 Q And you mentioned social media sites, what 09:34</p> <p>4 social media sites are you referring to? 09:34</p> <p>5 A I haven't been super active on very many 09:34</p> <p>6 of them since going through the divorce because it's 09:34</p> <p>7 just been very emotionally tolling on me. But 09:34</p> <p>8 Instagram and Facebook mostly is what I use, 09:34</p> <p>9 sometimes Twitter. And I don't typically use my 09:34</p> <p>10 last name on those sites, which is for 09:35</p> <p>11 confidentiality. 09:35</p> <p>12 Q How about MySpace, do you have a MySpace 09:35</p> <p>13 page or account? 09:35</p> <p>14 A I did when I was a kid, I have no idea if 09:35</p> <p>15 it's still up or not; I didn't know if anyone still 09:35</p> <p>16 uses it. But they might. 09:35</p> <p>17 Q How about Snapchat? 09:35</p> <p>18 A I think I had one at some point. But I 09:35</p> <p>19 never really -- I never really liked it so I didn't 09:35</p> <p>20 keep using it. 09:35</p> <p>21 Q Okay. Let's go back a little bit to a 09:35</p> <p>22 couple things from yesterday that I needed to 09:35</p> <p>23 clarify. 09:35</p> <p>24 Going back to the February 13th event, 09:35</p> <p>25 Ms. Reed, when you were in the fort and there were 09:35</p> <p style="text-align: right;">Page 202</p>
<p>1 What is Music Tramp LLC? 09:33</p> <p>2 A I don't know. 09:33</p> <p>3 Q Do you recall starting that company or 09:33</p> <p>4 forming that company? 09:33</p> <p>5 A I don't recall that, no. 09:33</p> <p>6 Q And sitting here today, given that we've 09:33</p> <p>7 gone through this for a couple of days now, are 09:33</p> <p>8 there any other names that you recall using since 09:33</p> <p>9 you were a child? 09:33</p> <p>10 A I just mostly went by my first name. I 09:33</p> <p>11 mean, I can give you my full name, I have a very 09:33</p> <p>12 long name. 09:33</p> <p>13 Q Why don't you go ahead and do that. 09:33</p> <p>14 A On some social media sites I have 09:33</p> <p>15 different middle names than I do on others, but. 09:34</p> <p>16 Q Good -- that's a good point. 09:34</p> <p>17 A I don't know if that counts as using 09:34</p> <p>18 different names. 09:34</p> <p>19 Q Why don't you go ahead and give me that 09:34</p> <p>20 full name that you talked about. 09:34</p> <p>21 A Sure. Diana Milena Gabrielle Sophia 09:34</p> <p>22 Beatrice Sharon Ada Grace Helen. And then the last 09:34</p> <p>23 name is Smoluchowska-Miernik, which I gave you guys 09:34</p> <p>24 the spelling yesterday. 09:34</p> <p>25 Q You did. 09:34</p> <p style="text-align: right;">Page 201</p>	<p>1 other people in there including Jen, do you recall 09:35</p> <p>2 Jen? 09:35</p> <p>3 A Yes, which date are we referring to? 09:36</p> <p>4 Q February 13th. 09:36</p> <p>5 A Okay. 09:36</p> <p>6 Q All right? 09:36</p> <p>7 I think you told me yesterday that you 09:36</p> <p>8 wanted to call the police but that you got no cell 09:36</p> <p>9 signal; is that correct? 09:36</p> <p>10 A Hmm-mm. 09:36</p> <p>11 Q Yes? 09:36</p> <p>12 A Yes. 09:36</p> <p>13 Q Why were you trying to call the police? 09:36</p> <p>14 A I wanted to call the police because I was, 09:36</p> <p>15 you know, I felt threatened and scared and I mean, I 09:36</p> <p>16 felt like anything could happen. I was extremely 09:36</p> <p>17 uncomfortable in the situation. 09:36</p> <p>18 Q If you had gotten through to the police, 09:36</p> <p>19 what did you intend to tell them? 09:36</p> <p>20 A I just intended to tell them, you know, 09:36</p> <p>21 what had happened. 09:36</p> <p>22 Q Were you going to ask for help? 09:36</p> <p>23 A Yes. 09:36</p> <p>24 Q What kind of help would you ask for? 09:36</p> <p>25 A For them to -- to come down to the fort 09:36</p> <p style="text-align: right;">Page 203</p>

<p>1 and make sure nothing happens to me, and I was going 09:36</p> <p>2 to tell them about the incident with the beer being 09:36</p> <p>3 sprayed on me and, you know, just have them help me. 09:37</p> <p>4 Q Did you want them to escort you back up or 09:37</p> <p>5 did you want them to stay with you down at the fort? 09:37</p> <p>6 A I don't think I contemplated that. I just 09:37</p> <p>7 wanted someone to help, whatever that means. 09:37</p> <p>8 Q Did you want to leave? 09:37</p> <p>9 A I'm sure I did. I don't know. 09:37</p> <p>10 Q At the same time, when you were -- this 09:37</p> <p>11 time when you were in the fort, did you witness any 09:37</p> <p>12 harassment towards Jen? 09:37</p> <p>13 A I did, yes. 09:37</p> <p>14 Q What did you witness? 09:37</p> <p>15 A I witnessed Mr. Johnston moaning towards 09:37</p> <p>16 her, oscillating his body in a sexual manner, you 09:37</p> <p>17 know, other things, but it's hard for me to remember 09:38</p> <p>18 because I was mostly focused on what was happening 09:38</p> <p>19 to me and I was so scared that I, you know, I wasn't 09:38</p> <p>20 thinking very clearly. 09:38</p> <p>21 Q What you said right now as to what you 09:38</p> <p>22 witnessed -- the harassment you witnessed towards 09:38</p> <p>23 Jen, is that separate and apart from any actions 09:38</p> <p>24 that Mr. Johnston did towards you if, in fact, he 09:38</p> <p>25 did any? 09:38</p> <p style="text-align: right;">Page 204</p>	<p>1 again. 09:39</p> <p>2 There you go, Ms. Reed. 09:39</p> <p>3 I'm going to ask you to please look at 09:39</p> <p>4 Page 16. All right. Would you please look at the 09:39</p> <p>5 very top, Lines 2 through 4; do you see that, 09:40</p> <p>6 Ms. Reed? 09:40</p> <p>7 A Yes. 09:40</p> <p>8 Q It says, "Reed had requested a police 09:40</p> <p>9 escort to the beach upon her arrival at Lunada Bay 09:40</p> <p>10 earlier that day because of her previous experiences 09:40</p> <p>11 but the police refused her request." 09:40</p> <p>12 Is that an accurate statement? 09:40</p> <p>13 A Yes. 09:40</p> <p>14 Q Who did you request that escort from 09:40</p> <p>15 earlier that day? 09:40</p> <p>16 A You know, at this time, I don't remember 09:40</p> <p>17 who it was from specifically, I don't remember -- I 09:40</p> <p>18 don't remember who I spoke to, I think I called them 09:40</p> <p>19 on the phone. 09:40</p> <p>20 Q What time did you call them? 09:40</p> <p>21 A Again, I don't remember the specifics, but 09:40</p> <p>22 I would assume that it was before my arrival, either 09:40</p> <p>23 that or right after I arrived, but I would assume it 09:40</p> <p>24 was before. 09:40</p> <p>25 Q And why did you want an escort? 09:40</p> <p style="text-align: right;">Page 206</p>
<p>1 MR. FRANKLIN: Vague and ambiguous, 09:38</p> <p>2 argumentative. 09:38</p> <p>3 THE WITNESS: I'm not sure what you mean 09:38</p> <p>4 by that. 09:38</p> <p>5 BY MS. HEWITT: 09:38</p> <p>6 Q I think you described some similar actions 09:38</p> <p>7 yesterday that you experienced as well, including 09:38</p> <p>8 moaning and I believe the thrusting or oscillating 09:38</p> <p>9 of the hips. 09:38</p> <p>10 What you just told me with regard to those 09:38</p> <p>11 things as to Jen, is that a separate incident from 09:38</p> <p>12 that you experienced? 09:38</p> <p>13 A What do you mean by being a separate 09:38</p> <p>14 incident? 09:38</p> <p>15 Q Okay. When Mr. Johnston moaned, was he 09:38</p> <p>16 moaning at you and Jen, or just to you, and then 09:38</p> <p>17 another time just to Jen? 09:38</p> <p>18 A Oh, I don't remember. But I would assume 09:38</p> <p>19 that some of it was targeted just towards her. 09:39</p> <p>20 Q Do you recall if he was facing her at the 09:39</p> <p>21 time? 09:39</p> <p>22 A You know, I don't remember much about what 09:39</p> <p>23 was happening to her; but yeah, I would think he was 09:39</p> <p>24 facing her. 09:39</p> <p>25 Q Okay. I'm going to show you the complaint 09:39</p> <p style="text-align: right;">Page 205</p>	<p>1 A I think that I wanted an escort at the 09:40</p> <p>2 time because of the previous incident in January 09:40</p> <p>3 where I was yelled at by the other individual. 09:41</p> <p>4 Q Okay. What did you want the escort for? 09:41</p> <p>5 A For safety. 09:41</p> <p>6 Q Did you want the escort to stay with you 09:41</p> <p>7 down on the beach? 09:41</p> <p>8 A I don't know if I wanted them to stay with 09:41</p> <p>9 me but I do know that I wanted them to escort me 09:41</p> <p>10 down there. 09:41</p> <p>11 Q That you wanted them to walk down with 09:41</p> <p>12 you? 09:41</p> <p>13 A Yes. 09:41</p> <p>14 Q And how long did you anticipate needing an 09:41</p> <p>15 escort that day? 09:41</p> <p>16 A I don't know. I don't know if I 09:41</p> <p>17 anticipated a time. 09:41</p> <p>18 Q Did you want the escort to stay with you 09:41</p> <p>19 while you took photographs? 09:41</p> <p>20 A I don't remember that. 09:41</p> <p>21 Q Did you want the escort to go to the fort 09:41</p> <p>22 with you? 09:41</p> <p>23 A I did want them to escort me there. 09:41</p> <p>24 Q At the time that you wanted the escort, 09:41</p> <p>25 did you know whether anybody was in the fort that 09:41</p> <p style="text-align: right;">Page 207</p>

1 day? 09:41	1 Q Okay. You know that you asked for an 09:44
2 A I did not. 09:41	2 escort down to the beach? 09:44
3 Q All right. What specifically did you ask 09:41	3 A Yeah, for someone to accompany me. 09:44
4 when you asked for the police escort? 09:41	4 Q Did you use the word "escort" or did you 09:44
5 A It's hard for me to remember right now, 09:41	5 say "accompany"? 09:44
6 because I don't remember the conversation too well. 09:42	6 A I may have used either one, I don't know. 09:44
7 Q Okay. Please tell me everything you 09:42	7 Q Did you ask for the escort to meet you at 09:44
8 remember about that conversation. 09:42	8 the bluff? 09:44
9 A I just remember -- yeah, I just remember 09:42	9 A I don't know; I don't know where I asked 09:44
10 speaking to the police and requesting someone to 09:42	10 them to meet me. 09:44
11 escort me. I remember, you know, the idea of doing 09:42	11 Q All right. Do you have a recollection of 09:44
12 that, but it's hard for me to remember, you know, 09:42	12 wanting the escort to meet you at the bluff or to 09:44
13 anything that was said specifically. 09:42	13 meet you at the station or someplace else? 09:44
14 Q Did you talk to a man or a woman? 09:42	14 A I don't remember the specifics, I'm sorry. 09:44
15 A I don't remember. 09:42	15 Q Generally, do you remember anything about 09:44
16 Q Did you say you called on the phone? 09:42	16 that? 09:44
17 A I think so. 09:42	17 A About asking them where to meet me, no, I 09:44
18 Q Okay. Is there another means by which you 09:42	18 don't know, I don't remember. 09:44
19 think you may have contacted the police that day? 09:42	19 Q As you sit here today, is there any 09:44
20 A I mean, I don't think it was via e-mail so 09:42	20 other -- anything else that you remember about your 09:45
21 I'm assuming it must have been on the phone. It 09:42	21 conversation with the PV Police Department on 09:45
22 wasn't in person. 09:42	22 February 13th when you asked for a police escort to 09:45
23 Q Okay. And are you aware that -- I think 09:42	23 the beach? 09:45
24 we talked a little bit about this yesterday 09:42	24 MR. FRANKLIN: Vague and ambiguous. 09:45
25 actually. I think you told me yesterday you were 09:43	25 THE WITNESS: I mean, I think that's all I 09:45
Page 208	Page 210
1 not aware at this time, February 13th, that Cory 09:43	1 can remember right now, I think. 09:45
2 Spencer had also asked for extra patrols that day in 09:43	2 BY MS. HEWITT: 09:45
3 advance of the February 13th visit? 09:43	3 Q At some point later on February 13th, you 09:45
4 A Right, yeah, I don't think I was aware of 09:43	4 did make contact with the police officer; is that 09:45
5 that, no. 09:43	5 correct? 09:45
6 Q So is it your understanding, though, that 09:43	6 A I did make contact with the police officer 09:45
7 your request for a police escort that day was 09:43	7 on that day, yes. 09:45
8 separate and apart from anything Cory may or may not 09:43	8 Q When you first made contact with them 09:45
9 have done with regard to asking for extra patrols; 09:43	9 later that day, did you tell them that you had asked 09:45
10 is that correct? 09:43	10 for an escort that day? 09:45
11 A Yes, I think so. 09:43	11 A I don't know. 09:45
12 Q All right. How long did the conversation 09:43	12 Q When you -- going back to your 09:45
13 last that you had in which you asked for a police 09:43	13 conversation when you asked for the police escort, 09:45
14 escort to the beach? 09:43	14 when they refused your request, what words did they 09:45
15 A I don't remember. But I'm assuming that 09:43	15 use in refusing your request? 09:45
16 it was probably a brief conversation. 09:43	16 A I don't remember exactly why they weren't 09:45
17 Q Did you make it from your cell phone? 09:43	17 available. 09:45
18 A I don't know. I either made it probably 09:43	18 Q Did they tell you they weren't available 09:45
19 from my phone or from Jordan Wright's phone. 09:43	19 or did they refuse your request? 09:45
20 Q And as you sit here today, do you have a 09:43	20 A Is there a difference between that? 09:45
21 specific recollection of asking for a police escort 09:43	21 Q I'm asking -- I'm looking at your 09:45
22 as opposed to perhaps asking for the police to 09:44	22 complaint and the complaint says they refused your 09:46
23 provide extra patrols that day? 09:44	23 request, so I'm trying to clarify. 09:46
24 A Yeah, I know I didn't ask for extra 09:44	24 Did they say, No, you may not have an 09:46
25 patrol. 09:44	25 escort? 09:46
Page 209	Page 211

<p>1 A I don't remember how they said it. But I 09:46 2 remember that they weren't there to accompany me 09:46 3 down. 09:46 4 Q Is it fair to say then that they -- you 09:46 5 know -- you believe they refused your request since 09:46 6 there was nobody to accompany you down? 09:46 7 A I can't say that because I don't remember 09:46 8 the specific wording. 09:46 9 Q Is it fair to say you don't recall if 09:46 10 whether on the phone call with the police department 09:46 11 where you asked for police escort, you don't recall 09:46 12 whether or not they actually refused your request on 09:46 13 that call; is that fair? 09:46 14 A I'm not sure what you mean by "refused." 09:46 15 I mean, I know they weren't available, so if to you 09:46 16 that means refused, then I guess you're right, I 09:46 17 mean, I don't know. 09:46 18 Q Do you know -- as you sit here today, do 09:46 19 you believe, again, going from the complaint that 09:47 20 they refused your request because nobody was there 09:47 21 to meet you at Lunada Bay and walk you down to the 09:47 22 beach -- escort you down to the beach? 09:47 23 MR. FRANKLIN: Asked and answered, 09:47 24 misstates prior testimony. 09:47 25 THE WITNESS: I don't know why they 09:47 Page 212</p>	<p>1 Q By that, do you mean there was nobody 09:48 2 there to escort you? 09:48 3 A No, I mean, I believe I was told that no 09:48 4 one was available but I don't know what the reason 09:48 5 behind that was. 09:48 6 Q But in your mind right now you have a 09:48 7 specific recollection of the police telling you on 09:48 8 February 13th when you asked them for an escort that 09:48 9 they didn't have anybody? 09:48 10 A The memory is extremely vague so I'm 09:48 11 assuming that that's what they said but it's very 09:48 12 hard for me to remember, I don't know. 09:48 13 Q Okay. 09:48 14 A I just know for whatever reason they 09:48 15 weren't there and I'm assuming that they told me 09:48 16 they're not available. 09:48 17 Q Okay. Let's go down to the next paragraph 09:49 18 if you don't mind, Paragraph 26, same page. 09:49 19 Actually, let's go down to Paragraph 27. 09:49 20 I'm sorry, Paragraph 26, sorry. It's Tuesday. 09:49 21 The Lines 7 through 9 where it says, "The 09:49 22 officer was completely unaware of the events 09:49 23 occurring below the cliff and the fort and on the 09:49 24 beach." 09:49 25 How do you know the officer was completely 09:49 Page 214</p>
<p>1 weren't available. 09:47 2 BY MS. HEWITT: 09:47 3 Q Do you believe they -- is your belief that 09:47 4 they refused your request based on the fact that 09:47 5 there was nobody at Lunada Bay -- no police officer 09:47 6 there to escort you down to the beach? 09:47 7 A I don't have a belief as to what the 09:47 8 reasoning was. 09:47 9 Q Not their reasoning. I'm sorry, that was 09:47 10 a little vague on my -- I'm sorry. 09:47 11 Is it true that you believe that the 09:47 12 police refused your request for an escort on 09:47 13 February 13th? 09:47 14 A Like I told you, I don't remember the 09:47 15 conversation at this moment very well. All I 09:48 16 remember is that they weren't able to escort me. 09:48 17 Why they told me that they can't, I don't 09:48 18 specifically remember right now. 09:48 19 Q Do you remember them telling you that they 09:48 20 can't? 09:48 21 A I don't remember that part of the 09:48 22 conversation; but I remember that they were not 09:48 23 available. 09:48 24 Q What do you mean by "not available"? 09:48 25 A That they weren't able to escort me. 09:48 Page 213</p>	<p>1 unaware of the events? 09:49 2 A Well, I know that because he told me that 09:49 3 he was unaware of anything that had happened to me. 09:49 4 Q So was the police officer a man or woman? 09:49 5 A It was a man. 09:49 6 Q All right. What's the first thing you 09:49 7 said to that police officer? 09:49 8 A I don't remember the first thing that I 09:49 9 said but I remember that I was very upset and I was 09:49 10 in tears and I just tried to tell him as best I 09:50 11 could as to what happened. But how I said it, I 09:50 12 don't know. 09:50 13 Q Was Jordan with you? 09:50 14 A I don't think so, no. 09:50 15 Q Was Jordan still surfing? 09:50 16 A Jordan wasn't surfing anymore. Jordan had 09:50 17 come in, and -- but I don't think he walked up to 09:50 18 the police car with me, I don't know if he was 09:50 19 behind me or not. 09:50 20 Q Sometime between the time of the incidents 09:50 21 in the fort and the time you talked to the police 09:50 22 officer, did you tell Jordan what had happened to 09:50 23 you? 09:50 24 A I don't know, I don't think so. 09:50 25 Q Is there a reason you recall why you 09:50 Page 215</p>

<p>1 didn't tell him? 09:50</p> <p>2 A I think I was just too upset to talk, I 09:50</p> <p>3 don't remember. 09:50</p> <p>4 Q Were you with him at any time between the 09:50</p> <p>5 time in the fort and the time that you spoke to the 09:50</p> <p>6 police officer? 09:50</p> <p>7 A I don't remember, I don't remember how I 09:50</p> <p>8 got up the hill. I don't remember that part. I 09:50</p> <p>9 just remember that he was done surfing, I remember 09:50</p> <p>10 him paddling in, and I remember at some point after 09:50</p> <p>11 that Jalian paddled out and left and I felt like it 09:51</p> <p>12 was safe to go back up the hill. Whether Jordan was 09:51</p> <p>13 with me or not as I was going up the hill, I don't 09:51</p> <p>14 remember. 09:51</p> <p>15 Q Do you have any recollection of Jordan 09:51</p> <p>16 saying, Hey, what's wrong, you seem upset, or 09:51</p> <p>17 anything like that? 09:51</p> <p>18 A No, I don't remember that part 09:51</p> <p>19 unfortunately. 09:51</p> <p>20 Q When you found the officer, was it just 09:51</p> <p>21 one officer in a police car, was it a police car? 09:51</p> <p>22 A Yeah, from what I remember it was a just 09:51</p> <p>23 one officer in the car, but I don't know, there may 09:51</p> <p>24 have been two, but I remember -- my memory right now 09:51</p> <p>25 is speaking to one officer. 09:51</p> <p style="text-align: right;">Page 216</p>	<p>1 So yes, all I can ask you is what you do 09:53</p> <p>2 remember. I can't ask you to tell me what you don't 09:53</p> <p>3 remember. So tell me what you do remember telling 09:53</p> <p>4 the officer in that conversation. 09:53</p> <p>5 A Okay. I remember -- you know, again, it's 09:53</p> <p>6 hard for me because I don't remember the 09:53</p> <p>7 conversation with the officer word-for-word at this 09:53</p> <p>8 time. I can tell you what I remember at this time 09:53</p> <p>9 from the event. 09:53</p> <p>10 Q As opposed to telling me what you remember 09:53</p> <p>11 about the conversation? 09:53</p> <p>12 A Well, I mean, I do remember telling him 09:53</p> <p>13 about the two individuals whose names I didn't know 09:53</p> <p>14 at the time. 09:53</p> <p>15 Q What did you tell him about the two 09:53</p> <p>16 individuals? 09:53</p> <p>17 A I know that I described them entering the 09:53</p> <p>18 fort and I described them spraying the beer on my 09:54</p> <p>19 arm and my camera and attempting to, you know, 09:54</p> <p>20 intimidate me and destroy the camera and attempting 09:54</p> <p>21 to harass me, being intimidating, you know, 09:54</p> <p>22 basically the stuff that's written in the complaint. 09:54</p> <p>23 I know that they asked for descriptions so 09:54</p> <p>24 I remember providing them with descriptions to the 09:54</p> <p>25 best of my knowledge. Time frames I think they 09:54</p> <p style="text-align: right;">Page 218</p>
<p>1 Q What did you tell the officer? 09:51</p> <p>2 A As best as I could, I described what had 09:51</p> <p>3 happened to me. 09:51</p> <p>4 Q What is it that you told him? 09:51</p> <p>5 A I told him what had happened to me in the 09:52</p> <p>6 fort regarding the incident with Mr. Blakeman and 09:52</p> <p>7 Jalian and the beer and everything else that 09:52</p> <p>8 happened down there. 09:52</p> <p>9 Q Okay. And as best you can right now, tell 09:52</p> <p>10 me everything that you told the officer in that 09:52</p> <p>11 conversation. 09:52</p> <p>12 MR. FRANKLIN: Calls for a narrative. 09:52</p> <p>13 THE WITNESS: First of all, I was 09:52</p> <p>14 extremely upset at the time so I couldn't even, you 09:52</p> <p>15 know -- there's no way I remember that conversation 09:52</p> <p>16 word-for-word and it was also very traumatic, so 09:52</p> <p>17 I've blocked a lot of that out. So I can describe 09:52</p> <p>18 to you what I remember that happened to me. 09:52</p> <p>19 BY MS. HEWITT: 09:52</p> <p>20 Q That's all I'm asking. 09:52</p> <p>21 A But I can't specifically describe the 09:52</p> <p>22 conversation that I had with the policeman other 09:52</p> <p>23 than I remember telling him what happened to me and 09:53</p> <p>24 why I was upset. 09:53</p> <p>25 Q And I understand, I understand that. 09:53</p> <p style="text-align: right;">Page 217</p>	<p>1 asked me, which I gave them. And yeah, I don't 09:54</p> <p>2 know, I tried to describe the incident as best as I 09:54</p> <p>3 could, I was extremely shaken up and upset, so. 09:55</p> <p>4 Q When you say you told them that you were 09:55</p> <p>5 harassed, did you say you were harassed or did you 09:55</p> <p>6 describe any harassment? 09:55</p> <p>7 A Yeah, I described the specific events that 09:55</p> <p>8 made me believe that I was harassed. 09:55</p> <p>9 Q You told me that you described -- their 09:55</p> <p>10 entering into the fort, spraying beer on your arm 09:55</p> <p>11 and your camera, attempting to intimidate you. 09:55</p> <p>12 What did you say about how they attempted 09:55</p> <p>13 to intimidate you? 09:55</p> <p>14 A I don't remember, again, specifically what 09:55</p> <p>15 I told the policeman at this time. I remember them 09:55</p> <p>16 trying to intimidate me by holding the camera right 09:55</p> <p>17 up to my face, you know, two feet from my face and, 09:55</p> <p>18 you know, chugging beer and throwing it on the 09:55</p> <p>19 ground, yelling, moaning, saying sexual comments; I 09:55</p> <p>20 mean, there was a bunch of behavior that happened 09:56</p> <p>21 there that was pretty disturbing to me. 09:56</p> <p>22 Q Is it correct, though, you're not certain 09:56</p> <p>23 whether you told the police officers any of that 09:56</p> <p>24 specifically right now, that right now you don't 09:56</p> <p>25 recollect that? 09:56</p> <p style="text-align: right;">Page 219</p>

<p>1 MR. FRANKLIN: Misstates prior testimony. 09:56</p> <p>2 THE WITNESS: I know that I described the 09:56</p> <p>3 event as best that I could at the time to the 09:56</p> <p>4 police. 09:56</p> <p>5 BY MS. HEWITT: 09:56</p> <p>6 Q Okay. Is that the extent of your 09:56</p> <p>7 recollection of that conversation with the police? 09:56</p> <p>8 MR. FRANKLIN: Asked and answered. 09:56</p> <p>9 THE WITNESS: At this time, yes. 09:56</p> <p>10 BY MS. HEWITT: 09:56</p> <p>11 Q Is there anything that you think that 09:56</p> <p>12 you'd be able to do that would refresh my memory at 09:56</p> <p>13 all? 09:56</p> <p>14 A I mean, I think if I wasn't dealing with 09:56</p> <p>15 nine months of pregnancy and not being able to 09:56</p> <p>16 remember anything and not sleeping and not dealing 09:56</p> <p>17 with depression, I think I could remember a lot 09:56</p> <p>18 more. 09:56</p> <p>19 Q Okay. And I understand -- 09:56</p> <p>20 A So I mean, it's just -- it's tough. 09:57</p> <p>21 Q I understand. This is my only opportunity 09:57</p> <p>22 to ask you what happened in that conversation so I'm 09:57</p> <p>23 sure you understand that as well. 09:57</p> <p>24 A Yeah, I'm doing my best but it's just I -- 09:57</p> <p>25 I can barely remember to bring a snack and water 09:57</p> <p style="text-align: right;">Page 220</p>	<p>1 ability in following up on Reed's complaint. At the 09:58</p> <p>2 time of this complaint, had you seen a photo lineup 09:58</p> <p>3 yet? 09:58</p> <p>4 A I don't know at what point I saw the photo 09:58</p> <p>5 lineup. But I think this is referring to a book 09:58</p> <p>6 that they told me about. They told me that they 09:58</p> <p>7 know all the people that frequent the area, this is 09:58</p> <p>8 what the policeman told me that I was speaking to 09:58</p> <p>9 when I filed the report. 09:58</p> <p>10 Q Okay. So you have a specific recollection 09:58</p> <p>11 of that; right? 09:58</p> <p>12 A Yes, I do, of the book. 09:58</p> <p>13 Q That specific conversation, tell me 09:58</p> <p>14 everything you remember with specificity just like 09:58</p> <p>15 you gave me right now. 09:58</p> <p>16 A I remember -- the problem was I didn't 09:58</p> <p>17 know the names of the individuals that did this to 09:58</p> <p>18 me, and so I had to describe them. And I was upset 09:58</p> <p>19 that they were filming me and, you know, in the heat 09:58</p> <p>20 of the moment in the fear that I was in, I wasn't 09:59</p> <p>21 thinking straight but I should have pulled out my 09:59</p> <p>22 phone or something and taken a photo of them so they 09:59</p> <p>23 could identify them. 09:59</p> <p>24 But anyway, so I couldn't identify them, 09:59</p> <p>25 and the policeman that I was speaking to -- and I 09:59</p> <p style="text-align: right;">Page 222</p>
<p>1 bottle and tie my shoes, so it's not easy. 09:57</p> <p>2 Q Let's move on to Paragraph 27 for now, 09:57</p> <p>3 maybe we'll circle back to that. Paragraph 27 says, 09:57</p> <p>4 "Palos Verdes Estates initially attempted to 09:57</p> <p>5 investigate the incident"; do you see that? 09:57</p> <p>6 A Yes. 09:57</p> <p>7 Q If we skip down to Line 18 it says, "The 09:57</p> <p>8 Palos Verdes Estates police officer then offered to 09:57</p> <p>9 allow Reed to identify the other men from photos 09:57</p> <p>10 that the police kept on all members of Lunada Bay 09:57</p> <p>11 Boys. But ultimately Palos Verdes Estates police 09:57</p> <p>12 showed no interest or ability in following up on 09:57</p> <p>13 Reed's complaint"; do you see that? 09:57</p> <p>14 A Yes. 09:57</p> <p>15 Q That's not true, is it? 09:57</p> <p>16 MR. FRANKLIN: Argumentative. 09:57</p> <p>17 THE WITNESS: Why do you say that? 09:57</p> <p>18 BY MS. HEWITT: 09:57</p> <p>19 Q Did you eventually have an opportunity to 09:57</p> <p>20 review a photo lineup? 09:58</p> <p>21 MR. FRANKLIN: Lacks foundation. 09:58</p> <p>22 THE WITNESS: Yes, but that's not what is 09:58</p> <p>23 written here. 09:58</p> <p>24 BY MS. HEWITT: 09:58</p> <p>25 Q That ultimately they showed no interest or 09:58</p> <p style="text-align: right;">Page 221</p>	<p>1 don't know if this was the same one that I wrote the 09:59</p> <p>2 report with or not because I don't know if -- there 09:59</p> <p>3 was more than one -- but if there was just one, then 09:59</p> <p>4 it was the same one. 09:59</p> <p>5 He told me that they have photos of all 09:59</p> <p>6 the individuals that frequent Lunada Bay, that they 09:59</p> <p>7 have a book of photos and that it won't be a problem 09:59</p> <p>8 to identify the individuals because they know the 09:59</p> <p>9 people that frequent the area. 09:59</p> <p>10 Q Okay. At some point, were you -- did you 09:59</p> <p>11 feel like you were not given the opportunity to try 09:59</p> <p>12 to identify the individuals from any photos that the 09:59</p> <p>13 PVE Police Department may have had? 10:00</p> <p>14 A I do feel like that because he had made me 10:00</p> <p>15 feel that it would be very simple to do because 10:00</p> <p>16 there was a book that I could look through, and he 10:00</p> <p>17 made me feel that it would be easy to find a photo 10:00</p> <p>18 of this individual. 10:00</p> <p>19 Q What did he say specifically that made you 10:00</p> <p>20 feel that it would be simple? 10:00</p> <p>21 A He seemed very assuring that they knew 10:00</p> <p>22 pretty much everyone that frequents the area or 10:00</p> <p>23 surfs down there. And he seemed assuring that it 10:00</p> <p>24 would be simple to look through this book and 10:00</p> <p>25 identify him. 10:00</p> <p style="text-align: right;">Page 223</p>

<p>1 Q Is that what he told you, or is that what 10:00 2 you felt about the conversation? 10:00 3 A He told me something along those lines, 10:00 4 but I don't remember his specific wording. 10:00 5 Q When was this conversation? 10:00 6 A This conversation was after the incident 10:01 7 on February 13th. 10:01 8 Q When you say "after," do you mean it 10:01 9 happened on February 13th but after the incident or 10:01 10 some other day? 10:01 11 A It happened on February 13th after the 10:01 12 incident after I had walked up to the top of the 10:01 13 bluff. 10:01 14 Q Okay. All right. So this is -- is your 10:01 15 memory being jogged now as you're remembering 10:01 16 additional things about the conversation? 10:01 17 A Well, you had asked me previously what I 10:01 18 had told him about the incident. 10:01 19 Q True, good point. 10:01 20 A So, I mean, this is a separate memory for 10:01 21 me. 10:01 22 Q Good point. 10:01 23 So if there's anything else that you 10:01 24 discussed with the police officer, I'd appreciate it 10:01 25 if you can tell me that so we'll go through the 10:01</p> <p style="text-align: right;">Page 224</p>	<p>1 with the police officer on the 13th of February, we 10:03 2 talked about or described the incident down at the 10:03 3 fort; talked about a potential identification 10:03 4 through a photo book or through mug shots. 10:03 5 Were there any other subjects of 10:03 6 conversation -- excuse me -- were there any topics 10:03 7 in that conversation on the 13th with the police 10:03 8 officer? 10:03 9 A Yeah, I think that we also -- I mean, I 10:03 10 know we eventually walked down to try and identify 10:03 11 these people, so I'm sure we, you know, we talked 10:03 12 about how to do that. I don't remember if it was 10:03 13 the same officer that walked down there with me or 10:03 14 if it was someone different. So, you know, I'm sure 10:03 15 we talked as to how to do that. 10:03 16 But the main topics that I remember is 10:03 17 just telling him what had happened to me and trying 10:04 18 to describe the individuals and then, you know, him 10:04 19 telling me what the procedure would be to identify 10:04 20 them. 10:04 21 Q Eventually, were you given an opportunity 10:04 22 to identify any of the perpetrators of the incident 10:04 23 in the fort through a photo lineup? 10:04 24 MR. FRANKLIN: Vague and ambiguous. 10:04 25 THE WITNESS: Eventually, I was given a 10:04</p> <p style="text-align: right;">Page 226</p>
<p>1 photo part here. 10:01 2 Tell me any memories you have of anything 10:01 3 specific that the police officer told you about the 10:01 4 photos. 10:01 5 MR. FRANKLIN: Vague and ambiguous. 10:01 6 THE WITNESS: I think that he told me that 10:01 7 they're driver's license photos from what I recall, 10:02 8 or some kind of mug shot. And that there's a book 10:02 9 with photos of the individuals that surf down there 10:02 10 and frequent the area. 10:02 11 And, you know, he also told me that they 10:02 12 know a lot of them if not most of them, and so that 10:02 13 it wouldn't be hard to find out who this person is. 10:02 14 So the fact that I didn't take a photo of them or 10:02 15 have any way to show a photo of the face that that 10:02 16 wasn't a problem because I would be able to identify 10:02 17 them in an easy way because they had this 10:02 18 information available. 10:02 19 BY MS. HEWITT: 10:02 20 Q So he said that to you, that it was no 10:02 21 problem that you hadn't taken a photo because it 10:02 22 would be easy to identify them? 10:02 23 A He didn't say that word-for-word, but that 10:02 24 is the, you know -- that's what he expressed to me. 10:02 25 Q Okay. All right. So in the conversation 10:03</p> <p style="text-align: right;">Page 225</p>	<p>1 piece of paper with different mug shots to look at. 10:04 2 It wasn't what he had described to me. 10:04 3 BY MS. HEWITT: 10:04 4 Q What specifically did he describe to you? 10:04 5 A Well, it wasn't the book, you know, the 10:04 6 book of photos. 10:04 7 Q So you wanted to review a book of photos? 10:04 8 A You know, I didn't care what I was 10:04 9 viewing. I just wanted to be able to identify the 10:04 10 suspect. 10:04 11 Q Were you disappointed that it wasn't a 10:04 12 book of photos? 10:04 13 A No, I wasn't disappointed about that. I 10:04 14 was just disappointed that I had to keep calling the 10:04 15 police over and over to set up a time to identify 10:05 16 this individual because it took a really long time 10:05 17 and I felt like, you know, they weren't doing enough 10:05 18 to help me with this. 10:05 19 Q Okay. And at some point between the time 10:05 20 that you were able to look at the photos in the -- 10:05 21 and February 13th, I should go the other way, sorry 10:05 22 -- between February 13th and the time you were able 10:05 23 to look at the photos, you engaged counsel; correct? 10:05 24 A I believe so. 10:05 25 Q And Mr. Otten wrote a letter to the City 10:05</p> <p style="text-align: right;">Page 227</p>

1 describing the incident that took place down at the 10:05	1 have any understanding of what took place after -- 10:07
2 fort among other things; right? 10:05	2 withdraw. 10:07
3 A Yes. 10:05	3 At the lineup, did you identify any 10:07
4 Q And at some point in time, before you 10:05	4 individuals through the lineup? 10:07
5 identified -- before you went and looked at the 10:05	5 MR. FRANKLIN: Lacks foundation. 10:07
6 photos, Mr. Otten told you who it was that had 10:05	6 THE WITNESS: I circled a photo. 10:07
7 perpetrated harassment or intimidation at the fort; 10:05	7 BY MS. HEWITT: 10:07
8 right? 10:05	8 Q As you sit here today, do you know who 10:07
9 MR. FRANKLIN: Objection, instruct you not 10:05	9 that photo was of? 10:07
10 to answer to the extent it calls for your 10:05	10 A The photo appeared to be an individual 10:07
11 communication with Mr. Otten. 10:05	11 that I now know as Jalian Johnston. 10:07
12 THE WITNESS: I mean, I had privileged 10:05	12 Q Okay. 10:07
13 conversations with him. 10:05	13 A But I didn't give them any names at the 10:07
14 BY MS. HEWITT: 10:05	14 time, I don't think that they asked me. 10:07
15 Q Did you tell the police that Mr. Otten had 10:05	15 Q Okay. 10:07
16 told you who it was at the fort? 10:06	16 A And I don't know if I knew or not by the 10:07
17 A I don't know, I don't think so. 10:06	17 time. 10:07
18 Q Do you recall having that in the police 10:06	18 Q All right. Once you picked out the 10:07
19 report where it says that Mr. Otten told you who the 10:06	19 photograph, what happened next? 10:08
20 people were down at the fort? 10:06	20 A I think I was asked to leave. I don't 10:08
21 A I don't recall reading that. 10:06	21 remember. 10:08
22 Q Okay. So you don't recall that 10:06	22 Q Were you told what was -- any of the next 10:08
23 conversation at all with the police -- 10:06	23 steps would be, anything like that? 10:08
24 MR. FRANKLIN: Misstates prior testimony. 10:06	24 A I don't remember. I just remember that it 10:08
25 THE WITNESS: I just don't remember. 10:06	25 was very brief, but as far as what conversation I 10:08
Page 228	Page 230
1 MR. FRANKLIN: Vague and ambiguous. 10:06	1 had with him, I don't recall right now. 10:08
2 BY MS. HEWITT: 10:06	2 Q Do you recall what if any actions were 10:08
3 Q Okay. All right. 10:06	3 taken by the PVE Police Department following your 10:08
4 A I'm not saying I did it or didn't do it; I 10:06	4 selection of the photograph? 10:08
5 don't really remember if I told him that or not. 10:06	5 A I don't, I think it went to the D.A. 10:08
6 Q Okay. And then -- but before the 10:06	6 Q Do you have an understanding that the 10:08
7 lineup -- I think we agreed before the lineup, did 10:06	7 police department forwarded your report to the 10:08
8 you know who it was that had -- that were the two 10:06	8 district attorney? 10:08
9 people down at the fort? 10:06	9 MR. FRANKLIN: Calls for speculation. 10:08
10 MR. FRANKLIN: Vague and ambiguous. 10:06	10 THE WITNESS: I don't know, I mean, I 10:08
11 Actually, we don't know when this lineup was. 10:06	11 think that they said it went to the D.A., you know, 10:08
12 THE WITNESS: Yeah. 10:06	12 whatever that means. 10:08
13 BY MS. HEWITT: 10:06	13 BY MS. HEWITT: 10:08
14 Q Did you know who they were before? 10:06	14 Q Did you talk -- have a subsequent -- I 10:08
15 A It's hard for me to say because I don't 10:06	15 interrupted. 10:08
16 remember the exact dates of when that occurred. 10:06	16 A Sorry, I don't know the process that the 10:08
17 Q If you told the police a week before the 10:06	17 police -- 10:08
18 lineup that you did know who the individuals were, 10:06	18 Q I didn't want to interrupt you. 10:08
19 do you have any reason to doubt that, that you did 10:07	19 A -- do. 10:08
20 in fact know that? 10:07	20 Q So did you have a subsequent conversation 10:08
21 MR. FRANKLIN: Argumentative, lacks 10:07	21 after the lineup with anybody at the police 10:09
22 foundation, vague and ambiguous. 10:07	22 department in which the district attorney was 10:09
23 THE WITNESS: I don't know. 10:07	23 discussed? 10:09
24 BY MS. HEWITT: 10:07	24 A In -- what do you mean by the district 10:09
25 Q All right. At some point in time, do you 10:07	25 attorney? 10:09
Page 229	Page 231

<p>1 Q With regard to whether or not your report 10:09 2 was forwarded to the district attorney. 10:09 3 A I have no idea; yeah, I don't know. 10:09 4 Q Did you have a conversation with the 10:09 5 police after the lineup in which anything about 10:09 6 forwarding your report to the district attorney was 10:09 7 discussed? 10:09 8 A Not that I remember. I don't remember 10:09 9 ever saying anything about any district -- the 10:09 10 district attorney. 10:09 11 Q Okay. 10:09 12 A I don't know who they are. 10:09 13 Q Okay. Aside from any conversations that 10:09 14 you may have had with your attorneys, do you have 10:09 15 any understanding of, as you sit here today, of 10:09 16 whether or not the district attorney decided to 10:09 17 proceed with any -- proceed with any action against 10:09 18 Mr. Johnston? 10:09 19 MR. FRANKLIN: Lacks foundation, calls for 10:09 20 speculation. 10:09 21 THE WITNESS: I don't know. 10:09 22 BY MS. HEWITT: 10:09 23 Q Did you call the police department 10:09 24 subsequently to find out what took place with regard 10:10 25 to your identification of Mr. Johnston? 10:10 Page 232</p>	<p>1 through conversations with your attorney as to 10:11 2 whether or not the police interviewed Jen with 10:11 3 regard to what she may or may not have seen on the 10:11 4 13th? 10:11 5 A I know that the police told me that they 10:11 6 spoke to a witness and I -- I'm assuming that that's 10:11 7 Jen. 10:11 8 Q Did you have communications with Jen after 10:11 9 the event, after February 13th, as to what happened 10:11 10 on that date? 10:11 11 A I think I did text her after 10:11 12 February 13th. 10:11 13 Q Why did you text her? 10:11 14 A I remember asking her if she had any 10:12 15 photos, you know, of the individuals, you know, and 10:12 16 if there was any way that she could help because she 10:12 17 had told me that she's friends with one of the 10:12 18 Bay Boys who's a friendly Bay Boy. And I know she 10:12 19 was trying to get him to forward her an e-mail 10:12 20 because she told me that her friend got a group 10:12 21 e-mail that apparently goes out to all the Bay Boys 10:12 22 about the incidents that had happened. 10:12 23 And I don't know, and then she tried to 10:12 24 help me identify the individuals. She was the one 10:12 25 that told me that one of the men, that his name 10:12 Page 234</p>
<p>1 A I may have; or I may have, you know, 10:10 2 relied on my attorneys, I don't remember. 10:10 3 Q Other than any -- going back to 10:10 4 February 13th -- other than Jen, did you witness any 10:10 5 harassment towards anybody else there at Lunada Bay 10:10 6 on February 13th? 10:10 7 MR. FRANKLIN: Vague and ambiguous. 10:10 8 THE WITNESS: I don't remember. I mean, I 10:10 9 think people -- well, I mean, I guess, yeah, people 10:10 10 were yelling stuff at me and Jordan when we arrived, 10:10 11 so, I guess, towards Jordan. 10:10 12 BY MS. HEWITT: 10:10 13 Q So other than yourself, Jordan, and Jen, 10:10 14 did you witness any harassment towards anybody else 10:11 15 at Lunada Bay that day? 10:11 16 A I think that's it. I don't remember if I 10:11 17 witnessed any harassment towards his friends or not. 10:11 18 Q Did you witness any violence towards 10:11 19 Jordan -- towards Jordan that day? 10:11 20 MR. FRANKLIN: Vague and ambiguous. 10:11 21 THE WITNESS: I don't remember. Like I 10:11 22 said, the day was very traumatic so I mostly just 10:11 23 remember what happened to me. 10:11 24 BY MS. HEWITT: 10:11 25 Q Do you have any understanding other than 10:11 Page 233</p>	<p>1 might be Blakeman and she said that he sells drugs 10:12 2 to kids. The text messages are in the report, you 10:12 3 know. 10:13 4 Q Did she ever forward you that e-mail? 10:13 5 A No, she never forwarded me that e-mail; 10:13 6 no. 10:13 7 Q Are you still in touch with her? 10:13 8 A I haven't been in touch with her for a 10:13 9 very long time. 10:13 10 Q When was the last time you communicated 10:13 11 with her in any fashion? 10:13 12 A I don't remember. 10:13 13 Q Do you remember if it was more than six 10:13 14 months ago? 10:13 15 A I would think so, yes. 10:13 16 Q Do you know what city Jen lives in? 10:13 17 A I don't. I don't know if she told me or 10:13 18 not. 10:13 19 Q And David is her friend or her boyfriend? 10:13 20 A It's her friend, that's what they both 10:13 21 told me. 10:13 22 Q Where does David live, do you know? 10:13 23 A I know that David lived in Malibu at one 10:13 24 point. I don't know if he still lives there or not. 10:13 25 Q When you say he is -- is he your friend, 10:13 Page 235</p>

<p>1 too, David, or is he Jordan's friend? 10:14</p> <p>2 A No, he's a friend of mine, too, he's a 10:14</p> <p>3 mutual friend. 10:14</p> <p>4 Q What do you know him from? 10:14</p> <p>5 A I met him while surfing. 10:14</p> <p>6 Q Did you ever have any conversations with 10:14</p> <p>7 Cory Spencer with regard to his belief that he would 10:14</p> <p>8 understand if the district attorney agreed -- the 10:14</p> <p>9 district attorney felt like they couldn't prosecute 10:14</p> <p>10 the incident with Johnston? 10:14</p> <p>11 MR. FRANKLIN: Lacks foundation. 10:14</p> <p>12 THE WITNESS: I don't recall having any 10:14</p> <p>13 conversation with Cory about that, no. 10:14</p> <p>14 BY MS. HEWITT: 10:14</p> <p>15 Q Okay. As you sit here today, do you have 10:14</p> <p>16 any recollection -- we'll get to that in a second. 10:14</p> <p>17 Let me ask you this: After the 10:14</p> <p>18 February 13th incident that very day, in which time 10:14</p> <p>19 you spoke with the police that day, subsequent to 10:15</p> <p>20 that, I understand that you contacted the police to 10:15</p> <p>21 follow up on your report; right, is that what you 10:15</p> <p>22 told me a little bit earlier today? 10:15</p> <p>23 MR. FRANKLIN: Vague and ambiguous. 10:15</p> <p>24 THE WITNESS: I called the police after 10:15</p> <p>25 the incident occurred on February 13th in an attempt 10:15</p> <p style="text-align: right;">Page 236</p>	<p>1 Q At some point did you get in contact with 10:16</p> <p>2 Detective Venegas? 10:16</p> <p>3 A I believe that at some point either he 10:16</p> <p>4 called me or someone else called me from the 10:16</p> <p>5 department. 10:16</p> <p>6 Q What did he say? 10:16</p> <p>7 A I don't remember the first conversation 10:16</p> <p>8 very well because I think eventually I did meet with 10:16</p> <p>9 him, I think, I don't know. But I do remember 10:16</p> <p>10 speaking to someone from the police department, you 10:16</p> <p>11 know, telling me that it's not safe at Lunada Bay 10:17</p> <p>12 and why would I want to go back, it's a rocky beach 10:17</p> <p>13 and why would a woman want to go to a rocky beach, 10:17</p> <p>14 and it just seemed like they weren't doing much to 10:17</p> <p>15 help the situation. I was also surprised that they 10:17</p> <p>16 were, you know -- they told me that -- I mean, they 10:17</p> <p>17 implied that women shouldn't go down to rocky 10:17</p> <p>18 beaches; I found that comment a little bit strange. 10:17</p> <p>19 Q Is this conversation you just told me 10:17</p> <p>20 about, is this in the sequence of calls you were 10:17</p> <p>21 making to try to get ahold of Detective Venegas, or 10:17</p> <p>22 is this some other time? 10:17</p> <p>23 A No, it's in that same sequence of me 10:17</p> <p>24 trying to get ahold of, you know, him or someone at 10:17</p> <p>25 the police department to help. 10:17</p> <p style="text-align: right;">Page 238</p>
<p>1 to try to reach the detectives so I could schedule a 10:15</p> <p>2 time to come in and identify the suspect. 10:15</p> <p>3 BY MS. HEWITT: 10:15</p> <p>4 Q Okay. So you called to try and reach a 10:15</p> <p>5 detective, did you leave a message? 10:15</p> <p>6 A I don't know. I may have left a message. 10:15</p> <p>7 Q You're not sure? 10:15</p> <p>8 A I'm not sure. 10:15</p> <p>9 Q Which detective were you trying to reach? 10:15</p> <p>10 A Detective Venegas. 10:15</p> <p>11 Q When was the next time you tried to 10:15</p> <p>12 contact the police? 10:15</p> <p>13 A Well, I don't think I gave you an exact 10:15</p> <p>14 date for that one because I don't remember the exact 10:15</p> <p>15 date. 10:15</p> <p>16 Q I know, I agree. When was -- regardless 10:15</p> <p>17 of when the date of that was when you called and 10:16</p> <p>18 maybe left a message, maybe not; the next time after 10:16</p> <p>19 that, what was the next time? 10:16</p> <p>20 A I don't remember, I just remember I called 10:16</p> <p>21 them a few times but I don't remember the exact 10:16</p> <p>22 dates, exact time frame. 10:16</p> <p>23 Q Okay. Do you remember if you left a 10:16</p> <p>24 message during any of those subsequent times? 10:16</p> <p>25 A I don't, no. 10:16</p> <p style="text-align: right;">Page 237</p>	<p>1 Q When you would call to try to get ahold of 10:17</p> <p>2 Detective Venegas, what would you say to the person 10:17</p> <p>3 who answered the phone? 10:17</p> <p>4 A I don't remember specifically what I would 10:18</p> <p>5 say at this time, but I would assume that I asked 10:18</p> <p>6 for him or I would explain, you know, that I'm 10:18</p> <p>7 trying to reach someone to help me identify the 10:18</p> <p>8 suspects related to the incident. 10:18</p> <p>9 Q At some point -- so let's make sure we get 10:18</p> <p>10 all these there. 10:18</p> <p>11 If you were to give me an estimate of how 10:18</p> <p>12 many times you called the department between 10:18</p> <p>13 February 13th and the time you came in for the 10:18</p> <p>14 lineup, what would that be? 10:18</p> <p>15 A Well, I probably called maybe three times, 10:18</p> <p>16 and, you know, I remember then eventually I 10:18</p> <p>17 proceeded to retain my attorneys because I felt like 10:18</p> <p>18 that was the only course of action I could take 10:18</p> <p>19 because the police weren't helping me. 10:18</p> <p>20 Q That's why you retained your attorneys? 10:18</p> <p>21 A That was one of the reasons why. 10:18</p> <p>22 Q When you say that you felt that was the 10:18</p> <p>23 only course of action that you could take, what do 10:18</p> <p>24 you mean by that? 10:18</p> <p>25 A That that was the only way that I could 10:18</p> <p style="text-align: right;">Page 239</p>

1	get help.	10:18	1	1	with him before or after.	10:21
2	Q What kind of help?	10:19	2	2	THE WITNESS: If you don't mind, if I can	10:21
3	A To try to identify the suspect and, you	10:19	3	3	take a bathroom break in a couple questions.	10:21
4	know, try to stop the harassment at Lunada Bay.	10:19	4	4	MS. HEWITT: Let's take a break.	10:21
5	Q So you also wanted to stop harassment at	10:19	5	5	Absolutely.	10:21
6	Lunada Bay; that's why you retained counsel?	10:19	6	6	THE VIDEOGRAPHER: We are now off the	10:21
7	A That was one of the reasons, yeah, to stop	10:19	7	7	record. The time is a.m.	10:21
8	harassment and, you know, make the public beach	10:19	8		(Break taken.)	10:21
9	truly public for everyone.	10:19	9		THE VIDEOGRAPHER: We are now back on the	10:41
10	Q And when did you start forming that idea	10:19	10		record. The time is a.m.	10:41
11	in your head that you wanted to retain counsel?	10:19	11	10:41		
12	A I don't remember when.	10:19	12	11	BY MS. HEWITT:	10:41
13	Q So you know it was sometime between	10:19	13	12	Q Ms. Reed, did you ever reside at 2341	10:41
14	February 13th and the March 10th letter; right?	10:19	14	13	Chumash Road, Malibu, California, 90265?	10:41
15	A I don't remember when I first met with Vic	10:19	15	14	A Yes.	10:41
16	so it would be hard for me to put exact dates on it.	10:19	16	15	Q Did you live there sometime in 2014?	10:41
17	Q But it would be before March 10th; right?	10:19	17	16	A I think so, yeah.	10:41
18	A March 10th was what?	10:19	18	17	Q Do you recall being served with a summons	10:41
19	Q The date of his letter to the City that	10:19	19	18	and complaint in the matter of Eli Rubin versus Gabe	10:42
20	you looked at, do you want me to show it to you?	10:19	20	19	Reed, Gabe Reed Productions, Diana Reed, AKA	10:42
21	A No, I remember the letter more or less.	10:19	21	20	Diana -- forgive me, I'm sorry --	10:42
22	But yeah, I would assume it would be	10:20	22	21	Smoluchowska-Miernik AKA Diana Milena Sophia	10:42
23	before March 10th, yes.	10:20	23	22	Gabriella?	10:42
24	Q About how many days before March 10th had	10:20	24	23	A I don't recall being served with that, no.	10:42
25	you first met with Mr. Otten?	10:20	25	24	Q All right. And then do you recall -- do	10:42
			25		you recall being personally served with that -- I'm	10:42
		Page 240				Page 242
1	A I don't remember that.	10:20	1		sorry, I didn't ask you that -- having someone hand	10:42
2	Q Do you think it was more than a week?	10:20	2		these to you?	10:42
3	A I don't remember the time frame at all so	10:20	3		MR. FRANKLIN: Asked and answered.	10:42
4	I can't guess, I don't know.	10:20	4		THE WITNESS: I don't recall that, no.	10:42
5	Q After February 13th during the time you	10:20	5		BY MS. HEWITT:	10:42
6	were calling the City to try to get some help as you	10:20	6		Q Do you recall ever receiving in the mail	10:42
7	said earlier, were you calling once a week, were you	10:20	7		request for entry of judgment in Eli Rubin versus	10:42
8	calling every day?	10:20	8		Gabe Reed et al.?	10:42
9	A I don't remember how often I was calling.	10:20	9		A No.	10:42
10	I just remember, you know, calling several times and	10:20	10		MS. HEWITT: I'll mark as 51, I'll give	10:42
11	not being able to schedule a time to come in and	10:20	11		everyone else copies later, 51 proof of service	10:43
12	identify the suspect.	10:20	12		of Diana Reed -- proof of service of Diana Reed.	10:43
13	Q Okay. And sometime before you first met	10:20	13		(Deposition Exhibit 51, Proof of Service	10:43
14	with Mr. Otten, is it correct that you decided that	10:20	14		of Diana Reed, was marked for	10:43
15	you wanted to retain an attorney; is that right?	10:20	15		identification.)	10:43
16	A I don't know; I don't remember.	10:21	16		MS. HEWITT: And then 52, Request For	10:43
17	Q A little bit earlier today you said you	10:21	17		Entry of Default.	10:43
18	went and retained counsel because it was the only	10:21	18		(Deposition Exhibit 52, Request For Entry	10:43
19	way you thought you could get help?	10:21	19		of Default, was marked for	10:43
20	A Right. But I don't know if that was	10:21	20		identification.)	10:43
21	before or after I met with him. I don't remember.	10:21	21		BY MS. HEWITT:	10:43
22	Q So it may have been after you first met	10:21	22		Q 51 I marked as the proof of service and 52	10:43
23	with him that you thought retaining counsel was the	10:21	23		is the --	10:43
24	only way you could get help; is that correct?	10:21	24		A What am I supposed to do?	10:43
25	A Perhaps. I just don't remember if I met	10:21	25		Q I haven't asked you a question yet.	10:43
		Page 241				Page 243

<p>1 Just look looking at the caption, does the 10:43</p> <p>2 caption look familiar to you at all? 10:43</p> <p>3 A No. 10:43</p> <p>4 Q And the caption is -- if you look on page 10:43</p> <p>5 -- Exhibit 51, do you see the on the left side 10:43</p> <p>6 there's plaintiff, and then there's a series of 10:43</p> <p>7 defendants there on the left side named; do you see 10:43</p> <p>8 that? 10:43</p> <p>9 A Yes. 10:43</p> <p>10 Q Do you see your name in there? 10:43</p> <p>11 A I do, yes, it's misspelled. 10:44</p> <p>12 Q Okay. Do you ever recall receiving any 10:44</p> <p>13 documents related to that matter reflected in 10:44</p> <p>14 Exhibit 51? 10:44</p> <p>15 A I don't, no. 10:44</p> <p>16 Q And if you turn the page, you'll see that 10:44</p> <p>17 a couple pages in there is a declaration from a 10:44</p> <p>18 Mr. McMillan who indicates he served you personally 10:44</p> <p>19 on April 7, 2014; do you see that? 10:44</p> <p>20 A I'm trying to see it -- where is it, does 10:44</p> <p>21 it say that? 10:44</p> <p>22 Q If you -- I'm sorry -- you just turn the 10:44</p> <p>23 page there and you see there right the third page of 10:44</p> <p>24 this document right there it says Mr. McMillan 10:44</p> <p>25 served these documents -- summons and complaint on 10:45</p> <p style="text-align: right;">Page 244</p>	<p>1 Lunada Bay. 10:46</p> <p>2 Since February 13th, how many times have 10:46</p> <p>3 you been back to Lunada Bay? 10:46</p> <p>4 A Since February 13th until what time? 10:46</p> <p>5 Q At all. 10:46</p> <p>6 A Until today? 10:46</p> <p>7 Q Yes. 10:46</p> <p>8 A It's hard for me to say, I don't remember 10:46</p> <p>9 the specific amount but I know it's been a few 10:46</p> <p>10 times. 10:46</p> <p>11 Q How many times have you been there with 10:46</p> <p>12 any reporters or new photographers since 10:46</p> <p>13 February 13th? 10:46</p> <p>14 A I don't remember how many interviews we 10:46</p> <p>15 did, but you mean since we filed the lawsuit? 10:46</p> <p>16 Q No, since February 13th. 10:46</p> <p>17 A Since February 13th? I don't know. It 10:47</p> <p>18 would be hard for me to say. 10:47</p> <p>19 Q How many times do you recall specifically 10:47</p> <p>20 being at Lunada Bay since February 13th with a news 10:47</p> <p>21 reporter or writer? 10:47</p> <p>22 A I remember there was a time after we filed 10:47</p> <p>23 the lawsuit when I was doing interviews for TV for 10:47</p> <p>24 some TV reporters, I was there with Vic, my 10:47</p> <p>25 attorney. And I met them there at the bluff. And 10:47</p> <p style="text-align: right;">Page 246</p>
<p>1 Diana Reed at this address; do you see that? Do you 10:45</p> <p>2 have any recollection of that? 10:45</p> <p>3 A No, I don't. 10:45</p> <p>4 Q Do you ever recall being served with any 10:45</p> <p>5 legal documents at any time in 2014? 10:45</p> <p>6 MR. FRANKLIN: Vague and ambiguous, asked 10:45</p> <p>7 and answered. 10:45</p> <p>8 THE WITNESS: I mean, not that I can 10:45</p> <p>9 remember right now. 10:45</p> <p>10 BY MS. HEWITT: 10:45</p> <p>11 Q Okay. Do you remember being served at the 10:45</p> <p>12 house with any legal documents related to lawsuits 10:45</p> <p>13 in regard to your husband -- soon-to-be ex-husband, 10:45</p> <p>14 I'm sorry? 10:45</p> <p>15 A I can't really remember, I have no idea 10:45</p> <p>16 what this is concerning. 10:45</p> <p>17 Q And in looking at that document, does it 10:45</p> <p>18 refresh your recollection at all as to an Eli Rubin? 10:45</p> <p>19 A I do know that he had a friend Eli. 10:46</p> <p>20 Q When you say "he," your former ex-husband? 10:46</p> <p>21 A Yeah. 10:46</p> <p>22 Q He had a friend named Eli Rubin? 10:46</p> <p>23 A That he was doing business with, but I 10:46</p> <p>24 don't remember ever seeing these documents. 10:46</p> <p>25 Q Okay. Let's see. Going back to 10:46</p> <p style="text-align: right;">Page 245</p>	<p>1 it was for TV, I don't remember what channel it was 10:47</p> <p>2 for, though. 10:47</p> <p>3 Q Okay. 10:47</p> <p>4 A But I remember there were two separate 10:47</p> <p>5 reporters that were working together as a team to do 10:47</p> <p>6 like two different stories. 10:47</p> <p>7 Q Okay. 10:47</p> <p>8 A And they were like both recording me at 10:47</p> <p>9 the same time. So I remember that. 10:47</p> <p>10 I remember that some members of the 10:47</p> <p>11 Bay Boys came out as well and they were recording me 10:48</p> <p>12 with their cameras, and that was uncomfortable. 10:48</p> <p>13 Q How many times have you been back to -- 10:48</p> <p>14 how many times have you attempted to surf at 10:48</p> <p>15 Lunada Bay since February 13th? 10:48</p> <p>16 A I have not attempted to surf at Lunada Bay 10:48</p> <p>17 since then because of my injury, I broke my arm 10:48</p> <p>18 snowboarding so I didn't have that opportunity. 10:48</p> <p>19 Q Have you attempted to engage in any other 10:48</p> <p>20 water sports at Lunada Bay since February 13th? 10:48</p> <p>21 A No, I have not. 10:48</p> <p>22 Q Have you gone to Lunada Bay to try to take 10:48</p> <p>23 pictures since February 13th? 10:48</p> <p>24 A Yes, I have. 10:48</p> <p>25 Q Okay. How many times? 10:48</p> <p style="text-align: right;">Page 247</p>

<p>1 A I don't remember how many times. I'm sure 10:48 2 more than twice. But I would have to think about it 10:49 3 a little bit more. I don't remember the exact 10:49 4 amount of time. 10:49 5 Q Those times that you were taking 10:49 6 photographs, were you harassed or intimidated? 10:49 7 A Yeah, unfortunately, I was harassed every 10:49 8 time I was there. 10:49 9 Q What was the day of the first time you 10:49 10 went back to take photographs after February 13th? 10:49 11 A Well, like I said, I don't remember 10:49 12 specifically how many times I've been back, so it 10:49 13 would be hard for me to give you a date as of the 10:49 14 first time since the 13th, I don't know if there's 10:49 15 anything I could do to refresh my memory, but... 10:49 16 Q Let's just break it down. I think you 10:49 17 told me that you've been back twice to take 10:49 18 photographs, so let's just take one -- 10:49 19 MR. FRANKLIN: Misstates prior testimony. 10:49 20 THE WITNESS: Yeah, at least twice. 10:49 21 BY MS. HEWITT: 10:49 22 Q At least twice, okay. At least twice, 10:49 23 that's what you told me, at least twice. 10:49 24 Let's look at the first one. The first 10:49 25 one that you remember when you went back to take 10:49 Page 248</p>	<p>1 MR. DIEFFENBACH: Give her time to think, 10:51 2 because it chews up our time in deposition. 10:51 3 THE VIDEOGRAPHER: We're off the record. 10:51 4 The time is 10:51a.m. 10:51 5 (Break taken.) 10:56 6 THE VIDEOGRAPHER: We're now back on the 10:56 7 record. The time is 10:56a.m. 10:56 8 BY MS. HEWITT: 10:56 9 Q Ms. Reed, we were talking about the 10:56 10 instances since February 13th during which you had 10:56 11 gone back to Lunada Bay in order to take photographs 10:56 12 and you experienced harassment or intimidation. And 10:56 13 I think where we left off is I think you said you 10:56 14 wanted to refresh your recollection about those 10:56 15 instances. 10:56 16 So were you able to do that? 10:56 17 MR. FRANKLIN: Misstates prior testimony. 10:56 18 THE WITNESS: What I can do is I do 10:56 19 remember various things from various instances, like 10:56 20 I don't remember, you know, this happened on this 10:56 21 day and this is this day, and this is this day, this 10:56 22 is this day. I kind of remember different bits and 10:56 23 pieces from the times that I went, so I can try to 10:56 24 answer the best I can from what I remember. 10:56 25 ///</p>
<p>1 photographs, what harassment or intimidation did you 10:50 2 experience? 10:50 3 A I would have to think about it for a 10:50 4 little bit longer because I don't remember -- I 10:50 5 mean, I don't remember all the specific times; I 10:50 6 just remember going back more than once and I 10:50 7 remember the harassment that I experienced, but I -- 10:50 8 it's hard for me to differentiate them, all the 10:50 9 times from each other, because like I said, I have 10:50 10 to think -- 10:50 11 Q Okay. 10:50 12 A -- more and do more to refresh my memory. 10:50 13 Q Okay. What could you do to refresh your 10:50 14 memory about that? 10:50 15 A Just try to think of when I went. 10:50 16 Q If you want, we can go off the record and 10:50 17 you want to think about it or you can step out and 10:50 18 talk to your attorney; do you want to do that? 10:50 19 MR. FIELDS: Look at some photos she took 10:50 20 on her phone maybe? 10:50 21 THE WITNESS: I don't have any of that 10:50 22 with me. 10:50 23 MR. DIEFFENBACH: I think we should go off 10:51 24 the record and do that. 10:51 25 MS. HEWITT: Let's go off the record. 10:51 Page 249</p>	<p>1 BY MS. HEWITT: 10:56 2 Q So just focusing on instances when you 10:56 3 went back to take photographs after February 13th, 10:56 4 what harassment or intimidation did you experience? 10:57 5 A Sure. 10:57 6 I remember being constantly photographed 10:57 7 and recorded on cameras. I remember instances, you 10:57 8 know, of people on the bluff doing that. I remember 10:57 9 walking down the trail and people telling me that I 10:57 10 shouldn't be there, and that I should leave and, Oh, 10:57 11 no, you're coming here again, no one wants you here, 10:57 12 what are you doing here. And, you know, I tell 10:57 13 them, well, it's beautiful, public beach, and I'm 10:57 14 allowed to be here. 10:57 15 They would say offensive things to me. 10:57 16 They would, you know, call me a bitch, and they 10:57 17 would say stuff to me after I had passed -- if I was 10:57 18 with a friend, then they would, you know, say 10:57 19 insults about me to my friend. 10:58 20 They -- yeah, they kept basically telling 10:58 21 me that I shouldn't be there and that I'm not 10:58 22 welcome. And I also remember talking to Charlie a 10:58 23 few times and he approached me. I feel like maybe 10:58 24 he felt bad that he didn't do anything regarding the 10:58 25 beer incident to help, so maybe it was his way of 10:58 Page 251</p>

<p>1 saying sorry to kind of try to talk to me and 10:58</p> <p>2 explain who the Bay Boys are and how they work 10:58</p> <p>3 and -- I don't know, so I've had various discussions 10:58</p> <p>4 with him. I had discussions with people in the fort 10:58</p> <p>5 and, you know, I also unfortunately experienced 10:59</p> <p>6 harassment in the way that I was told I'm not 10:59</p> <p>7 welcomed there. 10:59</p> <p>8 Q All right. During any of these incidents, 10:59</p> <p>9 were you ever alone? 10:59</p> <p>10 A I don't know. I don't recall ever being 10:59</p> <p>11 completely alone. I think I always brought someone 10:59</p> <p>12 with me. 10:59</p> <p>13 Q Did Jordan ever go with you during any of 10:59</p> <p>14 these instances? 10:59</p> <p>15 A The only time Jordan went with me was when 10:59</p> <p>16 he was surfing and I don't remember if he surfed 10:59</p> <p>17 since February 13th. If he did, then he would have 10:59</p> <p>18 been there. 10:59</p> <p>19 Q Do you have a recollection of you 10:59</p> <p>20 experiencing harassment while Jordan was out 10:59</p> <p>21 surfing? 10:59</p> <p>22 MR. FRANKLIN: Vague and ambiguous. 10:59</p> <p>23 BY MS. HEWITT: 10:59</p> <p>24 Q Since February 13th? 10:59</p> <p>25 A Right, since February 13th, I don't have a 10:59</p> <p style="text-align: right;">Page 252</p>	<p>1 Q Who were these surfers from Pacific 11:01</p> <p>2 Palisades? 11:01</p> <p>3 A Honestly, I don't remember their names 11:01</p> <p>4 anymore because I just met them in the water. 11:01</p> <p>5 Q Do you have their name or contact 11:01</p> <p>6 information on your phone anywhere? 11:01</p> <p>7 A I don't. I have a new phone now, so I 11:01</p> <p>8 don't have their info anymore. 11:01</p> <p>9 Q Did you attempt to keep in touch with them 11:01</p> <p>10 since they might be class -- they might be putative 11:01</p> <p>11 class members? 11:01</p> <p>12 A No, I didn't intend to keep in touch with 11:01</p> <p>13 them. 11:01</p> <p>14 Q Did you tell them that you were bringing 11:01</p> <p>15 this action on behalf of people who you believe were 11:01</p> <p>16 harassed and prevented from going to Lunada Bay? 11:01</p> <p>17 A You know, I did tell them about the 11:01</p> <p>18 lawsuit, but they after those experiences, they just 11:01</p> <p>19 didn't want to keep in touch with me and they didn't 11:01</p> <p>20 want to be involved. So I didn't keep in touch with 11:01</p> <p>21 them. 11:01</p> <p>22 Q What phone did you have at the time in 11:01</p> <p>23 this time period, so it would have been sometime 11:01</p> <p>24 subsequent to February 2016 to the present? 11:01</p> <p>25 A I had an iPhone but my ex-husband threw it 11:01</p> <p style="text-align: right;">Page 254</p>
<p>1 specific recollection of whether or not he went with 10:59</p> <p>2 me down there. 11:00</p> <p>3 I do remember though -- I do remember some 11:00</p> <p>4 people standing on the bluff like telling me that 11:00</p> <p>5 I'm done and that it's over as they were recording 11:00</p> <p>6 me, whatever that means. 11:00</p> <p>7 Q Who else was with you other -- who else 11:00</p> <p>8 may have been with you other than Jordan; who else 11:00</p> <p>9 do you recall going there with you since -- 11:00</p> <p>10 A Um -- 11:00</p> <p>11 Q -- February 13th? 11:00</p> <p>12 A I remember I met some surfers at the cove 11:00</p> <p>13 in Pacific Palisades, and I told them about what was 11:00</p> <p>14 going on at Lunada, and they went down there with me 11:00</p> <p>15 a couple of times. 11:00</p> <p>16 Q Did they experience harassment as far as 11:00</p> <p>17 you could tell? 11:00</p> <p>18 A Well, they experienced the same harassment 11:00</p> <p>19 that I did, people were telling them they're not 11:00</p> <p>20 welcomed there, they need to leave, and they called 11:00</p> <p>21 me a bitch and they're like, Oh, why aren't you 11:00</p> <p>22 walking next to your bitch friend. They would just 11:00</p> <p>23 say offensive things to us. 11:00</p> <p>24 Q Who were these -- 11:01</p> <p>25 A And try to intimidate us to leave. 11:01</p> <p style="text-align: right;">Page 253</p>	<p>1 into the ocean. 11:02</p> <p>2 Q And is it the same phone number that you 11:02</p> <p>3 have now? 11:02</p> <p>4 A It's a different phone number. 11:02</p> <p>5 Q What phone number was that? 11:02</p> <p>6 A [REDACTED]-3995. 11:02</p> <p>7 Q Well, who else do you recall going to 11:02</p> <p>8 Lunada Bay with on February 13th when you were 11:02</p> <p>9 taking photographs and experienced harassment? 11:02</p> <p>10 A I went down there also with a friend of 11:02</p> <p>11 mine that I went to school with. 11:02</p> <p>12 Q Who's that? 11:02</p> <p>13 A From USC. 11:02</p> <p>14 Q What's her name or his name? 11:02</p> <p>15 A What's his name? Oh, my gosh, I'm so 11:02</p> <p>16 terrible with names. It starts with a "B," I think. 11:02</p> <p>17 But I know his face, I can find his name. 11:02</p> <p>18 Q Why did you decide to go with "B" to 11:02</p> <p>19 Lunada Bay? 11:02</p> <p>20 A You know, I just didn't want to go by 11:02</p> <p>21 myself, I was scared, so if I could find someone to 11:02</p> <p>22 go with me then -- then I would ask them to go with 11:02</p> <p>23 me. 11:03</p> <p>24 Q B is a friend of yours; is that right? 11:03</p> <p>25 A Yeah, I mean, he's not a close friend, you 11:03</p> <p style="text-align: right;">Page 255</p>

<p>1 know, he's more of a classmate I would say. 11:03</p> <p>2 Q Have you been in touch with "B" over the 11:03</p> <p>3 time since you graduated from USC? 11:03</p> <p>4 A Off and on, not very much. 11:03</p> <p>5 Q Is there any reason why out of a lot of 11:03</p> <p>6 people you picked "B" to go with you to Lunada Bay? 11:03</p> <p>7 A I just reached out to some of my friends 11:03</p> <p>8 that I knew surfed. I didn't surf at the time that 11:03</p> <p>9 I was going to USC so it wasn't as important to me 11:03</p> <p>10 then, and he wanted to come along, he was in town. 11:03</p> <p>11 Q What does "B" do for a living? 11:03</p> <p>12 A He works in film, in the film business. 11:03</p> <p>13 But I'm not sure what he does right now. Actually, 11:03</p> <p>14 I'm not even sure if he works in film right now but 11:03</p> <p>15 we went to film school together so I'm assuming 11:03</p> <p>16 that's what he does. 11:03</p> <p>17 Q All right. Do you believe currently on 11:03</p> <p>18 your phone you have B's contact information, either 11:03</p> <p>19 his phone number or his address, e-mail address, 11:04</p> <p>20 anything like that? 11:04</p> <p>21 A I have his old phone number that wasn't 11:04</p> <p>22 working the last time I tried to contact him. So -- 11:04</p> <p>23 Q When was the last time you tried to 11:04</p> <p>24 contact him? 11:04</p> <p>25 A I don't remember but I do remember that at 11:04</p> <p style="text-align: right;">Page 256</p>	<p>1 Q What did they say? 11:05</p> <p>2 A That -- I don't remember their exact 11:05</p> <p>3 wording again, but they felt intimidated by the 11:05</p> <p>4 comments that they were experiencing and they 11:05</p> <p>5 decided not to go out and we just watched the waves 11:05</p> <p>6 instead. 11:05</p> <p>7 Q What made you think they felt intimidated? 11:05</p> <p>8 A Because that's what they told me. 11:05</p> <p>9 Q They told you they felt intimidated? 11:05</p> <p>10 A Yes. 11:05</p> <p>11 Q And "B," did "B" surf that day when you 11:05</p> <p>12 went with "B"? 11:05</p> <p>13 A No, he didn't surf. He just came to take 11:05</p> <p>14 photos. 11:05</p> <p>15 Q Okay. Who else did you go down to 11:05</p> <p>16 Lunada Bay with since February 13th to take photos? 11:05</p> <p>17 A That's all I can recall at the moment 11:06</p> <p>18 right now. 11:06</p> <p>19 Q During any of these instances when you 11:06</p> <p>20 went down to Lunada Bay since February 13th, had you 11:06</p> <p>21 already retained counsel? 11:06</p> <p>22 A I think so. Yeah, I'm pretty sure I would 11:06</p> <p>23 have retained counsel but I know the lawsuit wasn't 11:06</p> <p>24 filed yet because I didn't go back since it was 11:06</p> <p>25 filed except for the instances with the reporters. 11:06</p> <p style="text-align: right;">Page 258</p>
<p>1 one point I was trying to contact him and I couldn't 11:04</p> <p>2 because he changed his phone number. 11:04</p> <p>3 Q Okay. When you went with "B," did you see 11:04</p> <p>4 "B" experience any harassment or intimidation? 11:04</p> <p>5 A Yeah, the same type of stuff as me being 11:04</p> <p>6 told that we're not welcomed there, that, you know, 11:04</p> <p>7 that we need to leave. 11:04</p> <p>8 Q Okay. Have you with you right now a 11:04</p> <p>9 specific recollection of what specific things were 11:04</p> <p>10 said to "B" and yourself when you were there with 11:04</p> <p>11 "B"? 11:04</p> <p>12 A I don't have a specific recollection of 11:04</p> <p>13 what was said to him word-for-word, I don't remember 11:04</p> <p>14 if he actually walked down the bluff with me or if 11:05</p> <p>15 he stayed on top of the bluff as I walked down so I 11:05</p> <p>16 would have to verify that. But the two surfers 11:05</p> <p>17 from -- that I met at the cove were the ones that -- 11:05</p> <p>18 one of them walked down with me. 11:05</p> <p>19 Q The two surfers, did either one of them 11:05</p> <p>20 surf that day at Lunada Bay? 11:05</p> <p>21 A No, they wanted to but they just felt too 11:05</p> <p>22 intimidated, you know. 11:05</p> <p>23 Q Did they say that to you, they felt 11:05</p> <p>24 intimidated? 11:05</p> <p>25 A Hmm-mm. 11:05</p> <p style="text-align: right;">Page 257</p>	<p>1 Q Okay. So since the complaint was filed 11:06</p> <p>2 you have not been back to Lunada Bay except with 11:06</p> <p>3 reporters or media? 11:06</p> <p>4 A Hmm-mm. 11:06</p> <p>5 Q Yes? 11:06</p> <p>6 A Yes, yes, hmm-mm. 11:06</p> <p>7 Q All right. With the instances of 11:06</p> <p>8 harassment or intimidation that you described to me 11:06</p> <p>9 that occurred since February 13th when you went to 11:06</p> <p>10 Lunada Bay, did you report any of that to the 11:07</p> <p>11 police? 11:07</p> <p>12 A I don't know, I don't remember. I may 11:07</p> <p>13 have told them, you know, the people were harassing 11:07</p> <p>14 me on my way down there. 11:07</p> <p>15 Q Do you have a recollection right now of 11:07</p> <p>16 contacting the police and telling them about those 11:07</p> <p>17 instances we just discussed? 11:07</p> <p>18 A I don't have that recollection right now. 11:07</p> <p>19 Q Have you been to Lunada Bay since 11:07</p> <p>20 February 13th at any time and not experienced any 11:07</p> <p>21 physical or verbal harassment? 11:07</p> <p>22 A Not that I can remember. 11:07</p> <p>23 Q So each time you've been back since -- 11:07</p> <p>24 A Well, I take that back because there was a 11:07</p> <p>25 time with reporters that I believe that we weren't 11:07</p> <p style="text-align: right;">Page 259</p>

1 harassed because I don't think anyone was out -- I 11:07	1 like it might overlap; I'm going to try not to 11:09
2 think that was with -- I'm remembering now -- I 11:07	2 overlap with anything we already discussed. 11:09
3 think that was when we were doing a radio interview, 11:07	3 A Okay. 11:09
4 I believe, with NPR, NPR or one of those stations. 11:07	4 Q Prior to January 6, 2016, had you ever 11:09
5 I think that by that point there were no, 11:07	5 communicated with the City with regard to anything 11:10
6 you know, there were no locals out so I don't think 11:08	6 pertaining to Lunada Bay? 11:10
7 anyone harassed us then. 11:08	7 A No. 11:10
8 Q Was that the only instance that you can 11:08	8 Q Okay. Prior to January 29th, so between 11:10
9 remember when you were not harassed since 11:08	9 January 6th and January 29th -- I mean, January 6th 11:10
10 February 13th when you were at Lunada Bay? 11:08	10 and January 29th -- had you ever discussed anything 11:10
11 A This time, yes. 11:08	11 with anybody from the City with regard to 11:10
12 Q Have you seen any communications between 11:08	12 Lunada Bay? 11:10
13 Cory Spencer and the City in which Spencer thanks 11:08	13 A Between January 6th and January 29th? 11:10
14 Chief Kepley for what Chief Kepley has done to help 11:08	14 Q Right. 11:10
15 out the situation at Lunada Bay? 11:08	15 A I don't think so. 11:10
16 MR. FRANKLIN: Vague and ambiguous. 11:08	16 Q Before you actually went on January 29th? 11:10
17 THE WITNESS: I have not seen that, no. 11:08	17 A I don't think so. 11:10
18 BY MS. HEWITT: 11:08	18 Q Was your contact with police on 11:10
19 Q Have you seen any communications in which 11:08	19 January 29th the first time you had ever spoken with 11:10
20 Cory Spencer thanks Chief Kepley for providing extra 11:08	20 anybody from the Palos Verdes Estates Police 11:10
21 patrols whenever Spencer had asked for them? 11:08	21 Department with regard to Lunada Bay? 11:10
22 MR. FRANKLIN: Vague and ambiguous. 11:08	22 A Yes, I think so, yes. 11:10
23 THE WITNESS: I don't remember him showing 11:08	23 Q When I say communicated, meaning e-mail, 11:10
24 me any kind of communication. 11:08	24 phone, in person? 11:11
25 ///	25 A Yeah, you're referring to when I filed the 11:11
Page 260	Page 262
1 BY MS. HEWITT: 11:08	1 report. 11:11
2 Q Okay. Had Cory ever told you he had done 11:08	2 Q Well, I'm just making sure when I say, 11:11
3 that, that he had e-mailed Chief Kepley and thanked 11:08	3 "Have you ever communicated with them" -- 11:11
4 him for all that Chief Kepley has done? 11:08	4 A You mean have I communicated with -- not 11:11
5 A I don't remember that, no, I don't think 11:08	5 that I know of, I don't think so, no. 11:11
6 so. 11:08	6 Q Between January 29th -- so on January 29th 11:11
7 Q Okay. 11:08	7 we discussed your interactions with the police that 11:11
8 A You know, I don't know Cory that well so I 11:08	8 day; and then going from January 29th through the 11:11
9 don't really have conversations with him, you know, 11:08	9 day before February 5th I think you went with the -- 11:11
10 other than the conversations that I told you about. 11:09	10 you went and you encountered the L.A. Times 11:11
11 I don't, like, call him or talk to him or anything 11:09	11 photographer there -- 11:11
12 like that. 11:09	12 A Hmm-mm. 11:11
13 Q Just to finish that part out. 11:09	13 Q In between that time, did you communicate 11:11
14 Did Cory ever tell you that he tried to 11:09	14 with anybody at the City with regard to Lunada Bay? 11:11
15 warn Chief Kepley about some litigation that was 11:09	15 MR. FRANKLIN: Vague. 11:11
16 going to be filed with regard to Lunada Bay? 11:09	16 BY MS. HEWITT: 11:11
17 A He did not tell me that, no. 11:09	17 Q When I say "City," I mean, police 11:11
18 Q And did Cory ever tell you that he felt a 11:09	18 department or anybody at the City. 11:11
19 sense of brotherly obligation cop-to-cop with 11:09	19 MR. FRANKLIN: Vague and ambiguous. 11:11
20 Chief Kepley? 11:09	20 THE WITNESS: Between what date and what 11:11
21 A No, he didn't tell me that. 11:09	21 date? Between February 6th and then what was the 11:11
22 Q Since the -- let's work backwards now. 11:09	22 start date? 11:11
23 I want to now discuss here so that I can 11:09	23 BY MS. HEWITT: 11:11
24 finish my questioning here. I want to discuss all 11:09	24 Q Between January 29th, so concluding with 11:11
25 your communication with the City. Some of it seems 11:09	25 that day. 11:11
Page 261	Page 263

1	A	Uh-huh.	11:11	1	no.	11:14	
2	Q	And February 6th -- or February 5th when	11:11	2	Q	Following February 13th we talked about	11:14
3		you went to the --	11:12	3		your interactions with the police that day, and we	11:14
4	A	Right.	11:12	4		talked about the fact that you called the City	11:14
5		Well, I know that at some time I picked up	11:12	5		several times after February 13th. But I think you	11:14
6		a hard drive, not the hard drive, the card, like the	11:12	6		weren't sure exactly how many times; right?	11:14
7		SD card, I think, it was. But I don't know if I	11:12	7	A	Yeah, I mean, I just remember calling the	11:14
8		picked it up prior to the 5th or after the 5th. I	11:12	8		City many times to try to reach Detective Venegas.	11:14
9		know it was after the 29th that I picked it up.	11:12	9		I remember now going there to try to get the card	11:14
10	Q	Did you pick it up in person?	11:12	10		and try to talk to Detective Venegas which I think	11:14
11	A	Yes.	11:12	11		is the reason why I went there in person. He	11:14
12	Q	Did you contact somebody there in order to	11:12	12		didn't, you know, couldn't meet with me for whatever	11:14
13		arrange pickup?	11:12	13		reason, he couldn't meet with me.	11:15
14	A	I don't remember if I called them prior to	11:12	14		I remember it was an extremely, extremely	11:15
15		that or if I just drove there to go get it.	11:12	15		difficult process to try and get them to identify --	11:15
16	Q	Did you talk to anybody at the City about	11:12	16		to try to give him the photos to identify the	11:15
17		Lunada Bay when you were picking up the hard	11:12	17		suspect.	11:15
18		drive -- picking up the card, sorry?	11:12	18		I remember my attorney had to write a	11:15
19	A	I don't believe so. I believe that	11:12	19		letter. I remember then meeting with Mr. Kepley,	11:15
20		everyone was at lunch and so I spoke to -- I only	11:12	20		and they still wouldn't show me the photos at that	11:15
21		was helped by a lady at the window that gave me the	11:12	21		meeting. And it wasn't until a long, long time	11:15
22		card from what I could remember, I think I did -- I	11:13	22		after the incident that I could finally identify the	11:15
23		think I did ask for Detective Venegas, so I'm	11:13	23		suspects. It was an incredibly, incredibly long	11:15
24		assuming this was after the February 13th incident	11:13	24		process.	11:15
25		that I picked it up.	11:13	25	Q	About how many months do you think that	11:15
Page 264				Page 266			
1	Q	Okay.	11:13	1	took?	11:15	
2	A	Yeah, I think I did ask for him and he	11:13	2	A	I don't know. But I just remember it took	11:15
3		said he wasn't available for some reason, like he	11:13	3		a lot of attempts both on my part and on my	11:15
4		wouldn't come out and talk to me. So that must have	11:13	4		attorney's part to get that to happen.	11:15
5		been after the February 13th incident that I picked	11:13	5	Q	So let's go through that here now. Right	11:15
6		it up.	11:13	6		now we're focusing on communications you had with	11:15
7	Q	Aside from picking up the card then, as	11:13	7		the City.	11:15
8		you sit here today, do you recall any communications	11:13	8		So earlier on I think you said you had	11:15
9		with the City between January 29th and February 5th	11:13	9		contacted them or tried to call Venegas many times;	11:16
10		with regard to Lunada Bay?	11:13	10		I think you said you didn't know how many times.	11:16
11		MR. FRANKLIN: Vague and ambiguous.	11:13	11	A	Right. I mean, I remember there were many	11:16
12		THE WITNESS: I don't remember if I had	11:13	12		times I tried to reach him and I couldn't.	11:16
13		any communications regarding what was filed on the	11:13	13	Q	Can you quantify for me or estimate what	11:16
14		29th between that time. It's possible. But I don't	11:13	14		"many" means. To me, "many" is different than what	11:16
15		recall anything right now.	11:14	15		we talked about earlier.	11:16
16	BY MS. HEWITT:		11:14	16	A	Right.	11:16
17	Q	Between February 5th and February 13th, do	11:14	17	Q	So, is it more than five times?	11:16
18		you recall any communications with the City or City	11:14	18	A	I mean, to me it would be, you know, three	11:16
19		police department with regard to Lunada Bay?	11:14	19		times would be many times, depending, you know, what	11:16
20	A	Again, I don't remember anything, but it	11:14	20		time period it's in of course. You know, three	11:16
21		is possible that I might have had communications	11:14	21		times over a long period of time would not be many.	11:16
22		related to the incident on the 29th.	11:14	22		But I do remember, you know, going there in person	11:16
23	Q	You don't have recollection of that right	11:14	23		as well now, I just remember I kept trying and	11:16
24		now?	11:14	24		trying to reach him and I couldn't.	11:16
25	A	I don't have recollection of it right now,	11:14	25	Q	Now, when you went there and you said you	11:16
Page 265				Page 267			

<p>1 couldn't meet with Detective Venegas, did you have 11:16 2 an appointment that day? 11:16 3 A I don't remember, I don't believe so. 11:16 4 Q Is that when you went to pick up the card? 11:16 5 A I think so. 11:17 6 Q So those are the same event, okay? 11:17 7 A Hmm-mm. 11:17 8 Q You said separately you went to go meet 11:17 9 Chief Kepley? 11:17 10 A I did, yes. 11:17 11 Q Who did you go with to meet Chief Kepley? 11:17 12 A I went with my attorney, with Vic. 11:17 13 Q Okay. Anybody else? 11:17 14 A No, just with him. 11:17 15 Q At the time you went with Vic to meet with 11:17 16 Chief Kepley, were you meeting with Chief Kepley 11:17 17 because you wanted him to do something more with the 11:17 18 report that you filed on February 13th? 11:17 19 A Yes, we had been trying to have them help 11:17 20 us identify the suspect. And we were under the 11:17 21 impression that it was a meeting to look at photos 11:17 22 to try and identify, you know, who did those things 11:17 23 to me. 11:17 24 Q Okay. And do you know -- recall if it was 11:17 25 you or Mr. Otten who requested the meeting, who 11:18 Page 268</p>	<p>1 was calling, you know, one of the attempts to come 11:19 2 in to identify the photos. 11:19 3 Q Okay. 11:19 4 A The suspects. 11:19 5 Q Did you say that was a female that you 11:19 6 talked to then? 11:19 7 A No, it was not a female. 11:19 8 Q Do you recall the name of that person now 11:19 9 who told you that? 11:19 10 A I don't unfortunately. I remember it was 11:19 11 a man but I don't remember his name. 11:19 12 Q Did you ever tape record or record in any 11:19 13 way any conversations you had with anybody at the 11:19 14 City of Palos Verdes Estates? 11:19 15 A No. 11:19 16 Q Did anybody who was with you as far as you 11:19 17 know ever tape record or record any conversations 11:19 18 that were had with anybody at the City of 11:19 19 Palos Verdes Estates Police Department? 11:20 20 A Not that I know of, no. 11:20 21 Q Who recorded the conversation that you 11:20 22 provided to us today with Ferrara? 11:20 23 A My phone. 11:20 24 Q Did you ask Mr. Ferrara if it was okay to 11:20 25 record? 11:20 Page 270</p>
<p>1 specifically requested, like made the request of the 11:18 2 City to meet with Chief Kepley? 11:18 3 A I believe that Vic specifically requested 11:18 4 to meet with Mr. Kepley. I had been requesting to 11:18 5 meet with Mr. Venegas. 11:18 6 Q How many times did you meet with 11:18 7 Chief Kepley personally? 11:18 8 A With met with him, I believe, once. I 11:18 9 don't think he was there the second time I came 11:18 10 back. 11:18 11 Q Okay. Who have you met with in person at 11:18 12 the City of Palos Verdes Estates Police Department 11:18 13 besides Chief Kepley? 11:18 14 A Well, there was someone else in the room 11:18 15 with him that I don't remember his name. And then 11:18 16 when I was there to pick up the hard drive, I met 11:18 17 with a female police officer. When I was 11:18 18 identifying photos there was more than one person in 11:18 19 the room with me and Detective Venegas may have been 11:18 20 one of them because I think I do remember meeting 11:19 21 him so I think he might have been there. 11:19 22 Q When was the time that somebody told you 11:19 23 why would a woman want to go to the beach in the 11:19 24 rocky fort anyway? 11:19 25 A That was during one of the times that I 11:19 Page 269</p>	<p>1 MR. FRANKLIN: Vague and ambiguous. 11:20 2 THE WITNESS: I did not ask Mr. Ferrara if 11:20 3 it was okay to record because he was recording me as 11:20 4 well. 11:20 5 BY MS. HEWITT: 11:20 6 Q Okay. Okay. Following the conversation 11:20 7 with Chief Kepley, did you have any expectation of 11:20 8 further action that was going to be taken? 11:20 9 A Following the conversation? 11:20 10 Q (Nods head.) 11:20 11 A Yeah, I assumed that I would be able to 11:20 12 finally try and identify those individuals. 11:20 13 Q Okay. And were you able to do that? 11:20 14 A Eventually, yeah, after calling repeated 11:20 15 times, after meeting with Mr. Kepley, eventually I, 11:21 16 you know -- I don't know how I found out about it if 11:21 17 it was through my attorneys or if someone contacted 11:21 18 me directly, but eventually I came in to identify 11:21 19 the suspects, yes. Just one of them. 11:21 20 Q Okay. So the answer was "yes"? 11:21 21 MR. FRANKLIN: Vague as to time. 11:21 22 THE WITNESS: The answer was that 11:21 23 eventually, yes, I was provided with the opportunity 11:21 24 to identify one of the suspects. 11:21 25 ///</p> Page 271

<p>1 BY MS. HEWITT: 11:21</p> <p>2 Q Okay. Have you communicated with anybody 11:21</p> <p>3 at the City via e-mail? 11:21</p> <p>4 A I don't know. I may have. I don't know. 11:21</p> <p>5 Q Do you have any recollection of sending 11:21</p> <p>6 any e-mails to anybody at the City of Palos Verdes 11:21</p> <p>7 Estates regarding Lunada Bay? 11:21</p> <p>8 A I don't. I have a recollection of talking 11:21</p> <p>9 on the phone, I don't have a recollection of e-mail, 11:21</p> <p>10 but it is possible that I did that, but I don't 11:21</p> <p>11 remember doing that right now. 11:21</p> <p>12 And the reason I say it is possible 11:22</p> <p>13 because perhaps it was an e-mail that my attorneys 11:22</p> <p>14 wrote that I was copied on or attached on, I don't 11:22</p> <p>15 remember. 11:22</p> <p>16 Q If you had any e-mails, would they be on 11:22</p> <p>17 your computer at home or do you typically print them 11:22</p> <p>18 out? 11:22</p> <p>19 A No, I don't print them out and they're 11:22</p> <p>20 just all on the server. 11:22</p> <p>21 Q Do you keep them in an e-mail folder or 11:22</p> <p>22 something on your computer? 11:22</p> <p>23 A No, I don't download them. 11:22</p> <p>24 Q Okay. What kind of e-mail do you have? 11:22</p> <p>25 A Gmail. 11:22</p> <p style="text-align: right;">Page 272</p>	<p>1 Q Have you received anything in the mail 11:24</p> <p>2 from the City of Palos Verdes Estates directly to 11:24</p> <p>3 you with regard to Lunada Bay? 11:24</p> <p>4 A No. 11:24</p> <p>5 Q When you did the photo lineup, who did you 11:24</p> <p>6 meet with at the City? 11:24</p> <p>7 MR. FRANKLIN: Vague as to time. 11:24</p> <p>8 THE WITNESS: Again, I told you I don't 11:24</p> <p>9 remember. I remember there was, I think, two police 11:24</p> <p>10 officers, one of them may have been 11:24</p> <p>11 Detective Venegas because I do have a memory of 11:24</p> <p>12 meeting a person at one point so I'm assuming it was 11:24</p> <p>13 then. 11:24</p> <p>14 BY MS. HEWITT: 11:24</p> <p>15 Q Detective Venegas was the one that you 11:24</p> <p>16 were calling to try to -- you were trying to see 11:24</p> <p>17 him; right? 11:24</p> <p>18 A Yes. 11:24</p> <p>19 Q But you're not sure if that's who was 11:24</p> <p>20 there at the lineup; right? 11:24</p> <p>21 A I'm not sure, but I think he was there, 11:24</p> <p>22 but I'm not a hundred percent positive. 11:24</p> <p>23 Q Let's just go with -- in the complaint 11:24</p> <p>24 you've alleged that defendant's conduct has caused 11:24</p> <p>25 you pain and suffering, loss of sleep, emotional 11:24</p> <p style="text-align: right;">Page 274</p>
<p>1 Q Do you just keep them in your Gmail? 11:22</p> <p>2 A Yeah, so Google has all of them. 11:22</p> <p>3 Q Have you provided any e-mails that you 11:22</p> <p>4 have that relate to your claims as to Lunada Bay to 11:22</p> <p>5 your attorneys? 11:22</p> <p>6 MR. FRANKLIN: Vague and ambiguous. 11:22</p> <p>7 THE WITNESS: I think that I've provided 11:22</p> <p>8 everything that I have to them. 11:22</p> <p>9 BY MS. HEWITT: 11:22</p> <p>10 Q What is your Gmail address? 11:22</p> <p>11 A D-i-a-n-a-m-i-l-e-n-a-f-i-l-m at 11:23</p> <p>12 Gmail.com. 11:23</p> <p>13 Q Are there any other e-mail addresses that 11:23</p> <p>14 you use currently or that you have within the last 11:23</p> <p>15 two years? 11:23</p> <p>16 A There are, but I don't really use them. 11:23</p> <p>17 Q What are they? 11:23</p> <p>18 A I have Diana Milena, which is the same 11:23</p> <p>19 spelling as that, Reed at Gmail. And Diana Milena 11:23</p> <p>20 Gabrielle at Gmail. 11:23</p> <p>21 Q Have you sent any hard copy letters to 11:23</p> <p>22 anybody at the City of Palos Verdes with regard to 11:23</p> <p>23 Lunada Bay? 11:23</p> <p>24 A The attorneys have sent them on my behalf 11:23</p> <p>25 but I haven't sent any directly. 11:23</p> <p style="text-align: right;">Page 273</p>	<p>1 distress, and mental anguish; is that true? 11:24</p> <p>2 A Yes. 11:25</p> <p>3 Q How has Chief Kepley caused you pain and 11:25</p> <p>4 suffering? 11:25</p> <p>5 MR. FRANKLIN: Vague and ambiguous. 11:25</p> <p>6 THE WITNESS: Chief Kepley is a 11:25</p> <p>7 representative of the police and all the things I 11:25</p> <p>8 feel have not been done, you know, by the police I 11:25</p> <p>9 would attribute to him since he's in charge so -- 11:25</p> <p>10 you know, the fact that it was so difficult to 11:25</p> <p>11 identify these individuals, the fact that I had to 11:25</p> <p>12 call repeatedly over and over, the fact that I had 11:25</p> <p>13 to have my attorneys write a letter before they 11:25</p> <p>14 would even meet with me; the fact that I had to 11:25</p> <p>15 drive there in an attempt to meet with the 11:25</p> <p>16 detective, they wouldn't meet with me; just this 11:25</p> <p>17 entire struggle of trying to identify who these 11:25</p> <p>18 people were and trying to overcome all the trauma 11:25</p> <p>19 that I was dealing with. I do attribute all that to 11:26</p> <p>20 Mr. Kepley by not -- by not helping to make the 11:26</p> <p>21 situation happen in a, you know, a quicker way where 11:26</p> <p>22 I had to take all those steps in order to finally be 11:26</p> <p>23 able to view those photos. 11:26</p> <p>24 BY MS. HEWITT: 11:26</p> <p>25 Q You said that Venegas wouldn't meet with 11:26</p> <p style="text-align: right;">Page 275</p>

<p>1 you. 11:26</p> <p>2 Did you ever go there and they said he 11:26</p> <p>3 would not meet with you? 11:26</p> <p>4 A Yes, yes, the time I went there to get the 11:26</p> <p>5 hard drive, he wouldn't meet with me because, you 11:26</p> <p>6 know, he just wasn't available. 11:26</p> <p>7 Q Was he -- did they tell you he was not 11:26</p> <p>8 available or did they say he won't meet with you? 11:26</p> <p>9 A I don't remember the wording that they 11:26</p> <p>10 used. 11:26</p> <p>11 Q Okay. Do you have any knowledge as to 11:26</p> <p>12 what the -- withdraw. 11:27</p> <p>13 Now, the pain and suffering that you 11:27</p> <p>14 attribute, how have you experienced pain and 11:27</p> <p>15 suffering? Describe your symptoms with the pain and 11:27</p> <p>16 suffering you suffered? 11:27</p> <p>17 A I've had loss of sleep -- you mean the 11:27</p> <p>18 entire -- the entire course of events that happened 11:27</p> <p>19 to me at the fort was extremely traumatic, you know, 11:27</p> <p>20 I felt -- felt like I could have even been raped. I 11:27</p> <p>21 mean, it was incredibly frightening, I felt 11:27</p> <p>22 helpless. Just that whole memory of the event has 11:27</p> <p>23 caused me to be fearful and just really affected my 11:27</p> <p>24 piece of mind. 11:27</p> <p>25 Q Did it cause you to be fearful of going to 11:27</p> <p style="text-align: right;">Page 276</p>	<p>1 you attribute to Chief Kepley from beginning of 11:29</p> <p>2 March on? 11:29</p> <p>3 A I attribute -- I experienced loss of sleep 11:29</p> <p>4 immediately following the February 13th incident. 11:29</p> <p>5 And the fact that Chief Kepley, you know, failed to 11:29</p> <p>6 help with the matter, you know, aggravated the way 11:29</p> <p>7 that I felt. 11:29</p> <p>8 Q Okay. And how many times did you ask 11:29</p> <p>9 Chief Kepley? 11:29</p> <p>10 A And by the way, regarding the pregnancy, I 11:29</p> <p>11 didn't start experiencing loss of sleep until my 11:29</p> <p>12 third trimester. 11:29</p> <p>13 Q That you attribute to the -- 11:30</p> <p>14 A That I attribute to the pregnancy. 11:30</p> <p>15 Q Are you sure that's the only loss of sleep 11:30</p> <p>16 that you can attribute to the pregnancy? 11:30</p> <p>17 A I'm positive. If I didn't have to empty 11:30</p> <p>18 my bladder every hour and I could sleep normally, 11:30</p> <p>19 you know. 11:30</p> <p>20 Q Have you discussed your loss of sleep due 11:30</p> <p>21 to these events with any of your physicians? 11:30</p> <p>22 A I mean, I think that what I discussed with 11:30</p> <p>23 my doctors is private. 11:30</p> <p>24 Q Ordinarily so, but you put your loss of 11:30</p> <p>25 sleep at issue in this case. 11:30</p> <p style="text-align: right;">Page 278</p>
<p>1 Lunada Bay after February 13th? 11:28</p> <p>2 A Of course. Yeah, it caused that as well, 11:28</p> <p>3 hmm-mm. 11:28</p> <p>4 Q Okay. And you did go to Lunada Bay after 11:28</p> <p>5 that, February 13th; right? 11:28</p> <p>6 A I did go back. And the reason why is 11:28</p> <p>7 because I don't believe in bullying. I will stand 11:28</p> <p>8 up to bullies. I will do what's right, it's a 11:28</p> <p>9 public beach, and if I don't go then who else will 11:28</p> <p>10 go. And, you know, I just, you know, I don't 11:28</p> <p>11 believe in them bullying me into being fearful of 11:28</p> <p>12 going somewhere that's beautiful and should be 11:28</p> <p>13 accessible to all people. 11:28</p> <p>14 Q Now, your loss of sleep, are you able to 11:28</p> <p>15 differentiate from any loss of sleep between any of 11:28</p> <p>16 Chief Kepley's actions and being pregnant? 11:28</p> <p>17 A Yes, because at the time that this 11:28</p> <p>18 occurred I wasn't pregnant. 11:28</p> <p>19 Q When did you get pregnant? 11:28</p> <p>20 A You know, we're not 100 percent sure. 11:29</p> <p>21 Q Who's "we"? 11:29</p> <p>22 A Me and my partner. 11:29</p> <p>23 But around the beginning of March I would 11:29</p> <p>24 think. 11:29</p> <p>25 Q Have you experienced loss of sleep that 11:29</p> <p style="text-align: right;">Page 277</p>	<p>1 So, have you discussed your loss of sleep 11:30</p> <p>2 with any of your physicians? 11:30</p> <p>3 A I have discussed some of these incidents 11:30</p> <p>4 with him. 11:30</p> <p>5 Q What did you discuss specifically with 11:30</p> <p>6 your physicians with regard to these incidents? 11:30</p> <p>7 A You know, I just -- I explained the 11:30</p> <p>8 trauma, you know, that I'm dealing with because of 11:30</p> <p>9 that. 11:30</p> <p>10 Q What physician was that that you talked 11:30</p> <p>11 about that with? 11:30</p> <p>12 A I don't remember her name right now. 11:30</p> <p>13 Q How many doctors have you talked about 11:31</p> <p>14 this with? 11:31</p> <p>15 A Just one. 11:31</p> <p>16 Q Is it -- what type of doctor is that? Is 11:31</p> <p>17 it your ob-gyn? 11:31</p> <p>18 A No, no, it's not my ob-gyn. It was a 11:31</p> <p>19 mental health doctor, I don't know her exact title. 11:31</p> <p>20 Q Where is she located? 11:31</p> <p>21 A UCLA. 11:31</p> <p>22 Q So do you think she's a psychiatrist or a 11:31</p> <p>23 psychologist? 11:31</p> <p>24 A She's the one that has an M.D., I always 11:31</p> <p>25 mix them up, I'm sorry, but she's the one that's an 11:31</p> <p style="text-align: right;">Page 279</p>

<p>1 actual doctor. 11:31</p> <p>2 Q How long have you been seeing her? 11:31</p> <p>3 A I just saw her once for an initial 11:31</p> <p>4 recommendation for other doctors that were closer to 11:31</p> <p>5 my area. 11:31</p> <p>6 Q When was that that you talked to her about 11:31</p> <p>7 the trauma? 11:31</p> <p>8 A I don't recall specifically. I mean, it 11:31</p> <p>9 was in my third trimester. 11:32</p> <p>10 Q That would have been within the last two 11:32</p> <p>11 months? 11:32</p> <p>12 A Yes. 11:32</p> <p>13 Q You don't recall her name? 11:32</p> <p>14 A No, I don't. 11:32</p> <p>15 Q Did she prescribe any medication to you 11:32</p> <p>16 for any of the loss of sleep? 11:32</p> <p>17 A She didn't prescribe medication, but I 11:32</p> <p>18 don't want to take any medication right now because 11:32</p> <p>19 it can have bad health effects for the baby, so... 11:32</p> <p>20 Q Understood, yes. 11:32</p> <p>21 Do you attribute any loss of sleep to your 11:32</p> <p>22 divorce that you're undergoing right now? 11:32</p> <p>23 A Not at the moment, no. 11:32</p> <p>24 Q Have you ever -- you described your 11:32</p> <p>25 marriage as an abusive relationship? 11:32</p> <p style="text-align: right;">Page 280</p>	<p>1 that you described earlier, have you told any of 11:34</p> <p>2 your -- any physician that you've seen about any of 11:34</p> <p>3 the incidents that you're alleging in the matter 11:34</p> <p>4 here today? 11:34</p> <p>5 A I told my attorney about it, Vic. 11:34</p> <p>6 Q Any -- I'm sorry, I probably wasn't clear. 11:34</p> <p>7 Any physicians or medical providers? 11:34</p> <p>8 A No, I didn't have insurance at the time 11:34</p> <p>9 unfortunately so although I really wanted to see 11:34</p> <p>10 someone, I couldn't afford to do it. 11:34</p> <p>11 Q Do you have an ob-gyn? 11:34</p> <p>12 A I do. 11:34</p> <p>13 Q Have you told your ob-gyn about any of the 11:35</p> <p>14 loss of sleep or emotional distress you're claiming 11:35</p> <p>15 from the events in this matter? 11:35</p> <p>16 A My ob-gyn doesn't discuss mental health 11:35</p> <p>17 with me. 11:35</p> <p>18 MS. HEWITT: Maybe you can read back the 11:35</p> <p>19 question. 11:35</p> <p>20 (Record read: "Have you told your ob-gyn 11:35</p> <p>21 about any of the loss of sleep or 11:35</p> <p>22 emotional distress you're claiming from 11:35</p> <p>23 the events in this matter?") 11:35</p> <p>24 THE WITNESS: Yeah, I don't discuss mental 11:35</p> <p>25 health with her, so. 11:35</p> <p style="text-align: right;">Page 282</p>
<p>1 A Right. 11:32</p> <p>2 Q How was it so? 11:32</p> <p>3 A It was verbally and physically abusive. 11:32</p> <p>4 Q Do you attribute any of the emotional 11:32</p> <p>5 distress that you are claiming to anything related 11:33</p> <p>6 to your divorce and your abusive marriage? 11:33</p> <p>7 A Not during this time period, no. 11:33</p> <p>8 Q What do you mean by "not during this time 11:33</p> <p>9 period"? 11:33</p> <p>10 A That -- well, the stress that I felt was 11:33</p> <p>11 while I was married. 11:33</p> <p>12 Q So once -- 11:33</p> <p>13 A Or while we were living together I would 11:33</p> <p>14 say. 11:33</p> <p>15 Q So once you stopped living with Mr. Reed, 11:33</p> <p>16 you no longer felt any emotional distress? 11:33</p> <p>17 A I felt a lot of relief, yes. 11:33</p> <p>18 Q Did you still feel any emotional distress? 11:33</p> <p>19 A No, not really, no. 11:33</p> <p>20 Q Okay. When did you move out from -- move 11:33</p> <p>21 out from wherever you were living with Mr. Reed? 11:33</p> <p>22 A We moved out of our home in Malibu in May, 11:33</p> <p>23 I'm just trying to remember what year, I think, 11:34</p> <p>24 2015. Around May. May or June. 11:34</p> <p>25 Q Other than the UCLA Medical Center doctor 11:34</p> <p style="text-align: right;">Page 281</p>	<p>1 BY MS. HEWITT: 11:35</p> <p>2 Q So is that a "no"? 11:35</p> <p>3 A Yes. 11:35</p> <p>4 Q How about -- what other medical providers 11:35</p> <p>5 do you see -- have you seen within the last five 11:35</p> <p>6 months other than the medical doctor at UCLA? 11:35</p> <p>7 A Well, I just got insurance finally, I 11:35</p> <p>8 believe, in July or August. So I haven't seen that 11:35</p> <p>9 many doctors related to this incident. 11:35</p> <p>10 Q What medical providers have you seen in 11:35</p> <p>11 the last five months other than the UCLA Medical 11:36</p> <p>12 Center doctor you described? 11:36</p> <p>13 A Well, I had a prior ob-gyn prior to her. 11:36</p> <p>14 Q What was the ob-gyn's name? 11:36</p> <p>15 A Dr. Samuel Porter. 11:36</p> <p>16 Q Where is Samuel Porter located? 11:36</p> <p>17 A He's located in Los Angeles. 11:36</p> <p>18 Q Who is your current ob-gyn? 11:36</p> <p>19 A Dr. Pamela Boyer. 11:36</p> <p>20 Q Is that B-o-y-e-r? 11:36</p> <p>21 A Yes. 11:36</p> <p>22 Q Where is Dr. Boyer located? 11:36</p> <p>23 A At UCLA hospital. 11:36</p> <p>24 Q Other than Dr. Boyer and Samuel Porter -- 11:36</p> <p>25 Dr. Samuel Porter, and the UCLA Medical Center 11:36</p> <p style="text-align: right;">Page 283</p>

1 doctor, have you ever seen any other medical 11:36	1 BY MS. HEWITT: 11:38
2 providers in the last six to nine months? 11:36	2 Q As you sit here today, would you like the 11:38
3 A From all fields you mean? 11:36	3 City of Palos Verdes Estates Chief of Police, Chief 11:38
4 Q All fields. 11:36	4 Kepley, to pay you any money for anything related to 11:38
5 A Yes, I have. 11:36	5 in this complaint? 11:38
6 Q Who are those besides the ones we've 11:36	6 A What I want Chief Kepley to do is create 11:38
7 already discussed? 11:36	7 public access at Lunada Bay that's safe for all 11:39
8 A I also have seen a dermatologist at UCLA 11:36	8 individuals, that's what I want him to do. 11:39
9 Medical Center, I don't remember her name. I have 11:37	9 Q Is that all you want -- 11:39
10 also seen a doctor at Venice Family Clinic, and I 11:37	10 A Whether -- 11:39
11 don't remember her name either. The very first 11:37	11 Q Go ahead. 11:39
12 doctor that I saw for the pregnancy was located in 11:37	12 A Whether that entails money, that's up to 11:39
13 downtown L.A. but I don't recall his name, I just 11:37	13 my attorneys, I don't know what they want. You 11:39
14 saw him, I believe, just one time. 11:37	14 know, if they deem that that's fair. But I want 11:39
15 And I think that's everyone that I've 11:37	15 public access at Lunada Bay. That's why I'm here. 11:39
16 seen. 11:37	16 Q As you sit here today, that's what you 11:39
17 Q Okay. Thank you. 11:37	17 want? 11:39
18 With regard to any pain and suffering, 11:37	18 A Yes. 11:39
19 loss of sleep, emotional distress, and mental 11:37	19 Q Do you want the City itself to pay you any 11:39
20 anguish that you claimed Chief Kepley caused you, 11:37	20 money? 11:39
21 are you seeking any damages from the chief for those 11:37	21 A Again, I leave that decision up to the 11:39
22 damages? 11:37	22 court and my attorneys to decide if that's 11:39
23 MR. FRANKLIN: Complaint speaks for 11:37	23 appropriate, but my primary goal here is public 11:39
24 itself. 11:37	24 access. 11:39
25 ///	25 Q Did you enter into this action hoping that 11:39
Page 284	Page 286
1 BY MS. HEWITT: 11:37	1 you were going to recover some monies in this matter 11:39
2 Q What do you mean damages for damages? 11:37	2 for any of the damages that you claimed you have 11:39
3 A Are you seeking any damages for those 11:38	3 suffered? 11:39
4 particular allegations for -- you claimed the 11:38	4 A I entered into it because I was hoping to 11:39
5 defendant's conduct and we discussed Chief Kepley, 11:38	5 create public access and I was hoping that anyone 11:39
6 Chief Kepley's conduct has caused you pain and 11:38	6 could go to Lunada Bay, and that was my primary 11:39
7 suffering, loss of sleep, emotional distress, and 11:38	7 objective. 11:39
8 mental anguish. Are you seeking damages for those 11:38	8 Q I appreciate that. 11:39
9 from Chief Kepley? 11:38	9 Did you hope to recover any money damages 11:39
10 MR. FRANKLIN: Complaint speaks for 11:38	10 from the City as part of the reasons for entering 11:40
11 itself. 11:38	11 into this litigation? 11:40
12 THE WITNESS: What I'm seeking is public 11:38	12 MR. FRANKLIN: Asked and answered. 11:40
13 access to Lunada Bay for everyone, and, you know, 11:38	13 THE WITNESS: I don't have an expectation 11:40
14 any damages that my attorneys feel are fair, if any. 11:38	14 for that. Again, I leave that up to my attorneys. 11:40
15 BY MS. HEWITT: 11:38	15 BY MS. HEWITT: 11:40
16 Q Do you want Chief Kepley to pay you money? 11:38	16 Q Before you entered in this litigation, 11:40
17 MR. FRANKLIN: Document speaks for itself. 11:38	17 were you hoping to get money from the City? 11:40
18 THE WITNESS: I'm not expecting anything 11:38	18 A Before I retained my attorneys? 11:40
19 that the lawyers don't think is unreasonable. 11:38	19 Q Yes. 11:40
20 BY MS. HEWITT: 11:38	20 A No, I wasn't thinking about that at all, 11:40
21 Q Do you want Chief Kepley to pay you money? 11:38	21 no. I just wanted public access. 11:40
22 MR. FRANKLIN: Same objection. 11:38	22 Q You had no expectation or -- 11:40
23 THE WITNESS: I leave that decision up to 11:38	23 A Of getting money from the City, no. 11:40
24 my attorneys. 11:38	24 Q -- or inclination of getting money from 11:40
25 ///	25 the City or Chief Kepley? 11:40
Page 285	Page 287

1	A	Prior to the lawsuit, no.	11:40	1	Q	Have you communicated with anybody	11:43
2	Q	Okay. How many times total have you	11:40	2		regarding making a movie out of your experiences at	11:43
3		visited the fort?	11:40	3		Lunada Bay?	11:43
4	A	Does one day count as one visit?	11:40	4	A	Yes, it was an idea that I discussed with	11:43
5	Q	Yeah, how many different -- on how many	11:40	5		some people, yes.	11:43
6		different days -- good point.	11:40	6	Q	Who did you discuss that with?	11:43
7		How many different days have you visited	11:40	7	A	I discussed it in length with Jordan	11:43
8		the fort?	11:40	8		Wright's former landlord.	11:43
9	A	On January 29th, I know I did. On	11:40	9	Q	Who is Jordan Wright's former landlord?	11:43
10		February either 5th or 6th, whatever day it was we	11:41	10	A	His name is Nurnur, N-u-r-n-u-r, first	11:43
11		were down there. On February 13th. And I would say	11:41	11		name. And last name, I think, is Cummings, I'm not	11:43
12		maybe two times after that.	11:41	12		sure. I think it's C-u-m-m-i-n-g-s.	11:43
13	Q	Okay.	11:41	13	Q	What did you discuss with Mr. Cummings	11:43
14	A	Maybe three, I don't know.	11:41	14		with regard to making a movie out of your	11:43
15	Q	Okay. At present, does the fort have any	11:41	15		experiences at Lunada Bay?	11:44
16		effect on your ability to have safe public access to	11:41	16		MR. FRANKLIN: Misstates prior testimony.	11:44
17		Lunada Bay?	11:41	17		THE WITNESS: I've always, you know,	11:44
18		MR. FRANKLIN: Vague and ambiguous.	11:41	18		growing up I was involved in a lot of journalism and	11:44
19		THE WITNESS: Well, the fort remains a	11:41	19		documentary work, and I always felt that a good way	11:44
20		hangout place for the locals. And it makes me feel	11:41	20		to bring about social change and, you know, make a	11:44
21		unsafe, yes, because, you know, it's not regulated	11:41	21		difference in the world was by, you know, exposing	11:44
22		by the police or the State or the coastal	11:41	22		the information in either a documentary or news	11:44
23		commission, so.	11:41	23		story, so you know it's my background and I went to	11:44
24	BY MS. HEWITT:		11:41	24		film school.	11:44
25	Q	Is it your testimony that the fort, as it	11:41	25		So, you know, all events that I	11:44
Page 288				Page 290			
1		currently exists, has an effect on the safe access	11:41	1		experienced that have an impact to me, I will think	11:44
2		that you are attempting to obtain for yourself and	11:42	2		of in film terms. I don't know who initially came	11:44
3		the class?	11:42	3		up with the idea. I mean, I always thought it would	11:44
4	A	Yeah, the fort is not regulated, that's	11:42	4		be an interesting concept. And Nurnur, I remember,	11:44
5		where a lot of the illegal activity occurs, so I	11:42	5		was the one that was saying that it would make a	11:44
6		would say "yes" to your question.	11:42	6		great documentary to try to change things at	11:44
7	Q	Do you know Rory Carroll?	11:42	7		Lunada Bay and, you know, help to make it a public	11:44
8	A	He sounds familiar, but I can't recall him	11:42	8		place for everyone.	11:45
9		right now.	11:42	9	BY MS. HEWITT:		11:45
10	Q	Noah Smith?	11:42	10	Q	When did you have -- how many	11:45
11	A	Noah sounds familiar as well, I don't	11:42	11		conversations did you have with Mr. Cummings?	11:45
12		know -- oh, I think that they're the two reporters,	11:42	12	A	Since he was the landlord of where Jordan	11:45
13		yes, yes, yes. They are the two reporters that	11:42	13		was living, I had several conversations with him	11:45
14		wrote for the Guardian and filmed the undercover	11:42	14		about that.	11:45
15		video; correct?	11:42	15	Q	About that potential documentary?	11:45
16	Q	Correct, yes -- well, I mean, right, yes,	11:42	16	A	Right, yeah.	11:45
17		whatever your testimony is, I'm not telling you who	11:42	17	Q	What does he do for a living if you know?	11:45
18		they are.	11:42	18	A	I know that he's a landlord. And that he	11:45
19		Do you keep in regular contact with any	11:42	19		has many houses, but I'm not quite sure what he does	11:45
20		reporters with regard to your action in this matter?	11:42	20		for a living specifically. I know he's written film	11:45
21	A	I don't keep in regular contact, but, you	11:42	21		scripts and I think he's made a film but I'm not --	11:45
22		know, I have contacted and he's contacted me.	11:43	22		I don't know what his regular job is, I'm not sure.	11:45
23	Q	Who's "he"?	11:43	23	Q	Do you have an action plan or anything	11:45
24	A	I don't know if it's Rory or Noah, but one	11:43	24		like that with regard to the next steps in making a	11:45
25		of them.	11:43	25		documentary or movie about your experiences at	11:45
Page 289				Page 291			

1 Lunada Bay? 11:45	1 1 would make it safe and the way that it is right now 11:48
2 MR. FRANKLIN: Objection, lacks 11:45	2 2 it's not safe. And even the pathway is not safe. 11:48
3 foundation. 11:45	3 3 Like the pathway just goes straight down the 11:48
4 THE WITNESS: You know, I don't. It's a 11:45	4 4 mountain without any kind of safety precautions. 11:48
5 great idea but as far as a current action plan, I 11:45	5 5 There's usually people obstructing the pathway as 11:48
6 don't. I'm just trying to focus on having my baby 11:45	6 6 well. 11:48
7 in a couple of weeks hopefully, so. 11:46	7 7 Q Okay. 11:48
8 BY MS. HEWITT: 11:46	8 8 MS. HEWITT: Let's go off the record if 11:48
9 Q I apologize if I asked you this. What 11:46	9 9 you're okay with that since we're at the end of the 11:48
10 does Jordan do for a living? 11:46	10 10 tape. 11:48
11 A Jordan is a real estate agent. 11:46	11 11 THE VIDEOGRAPHER: We're now off the 11:48
12 Q Okay. 11:46	12 48 12 record. The time is a.m. 11:48
13 THE VIDEOGRAPHER: We have three minutes 11:46	13 13 (Break taken.) 11:48
14 left on the DVD. 11:46	14 14 THE VIDEOGRAPHER: We're now back on the 12:25
15 BY MS. HEWITT: 11:46	15 25 15 record at p.m. and this marks the beginning of 12:25
16 Q Okay. What specific changes would you 11:46	16 16 media No. 2 of the deposition of Diana Milena Reed. 12:25
17 like to see the City accomplish the goal of lawful, 11:46	17 17 12:25
18 safe and secure access at Lunada Bay to engage in 11:46	18 18 EXAMINATION 12:25
19 recreational activities? 11:46	19 19 BY MR. DIEFFENBACH: 12:25
20 A So you're asking what I would like to have 11:46	20 20 Q Ms. Reed, my name is Richard Dieffenbach, 12:25
21 the City do to make it safe? 11:46	21 21 I represent Brant Blakeman, and I'm going to ask you 12:25
22 Q Yeah. What does it mean -- what would you 11:46	22 22 some questions. 12:25
23 like to see in place to have a safe, lawful, and 11:46	23 23 You're still under oath, you understand 12:25
24 secure access to Lunada Bay? 11:46	24 24 that? 12:25
25 A You know, a multitude of things, and I 11:46	25 25 A Yes. 12:25
Page 292	Page 294
1 feel I'm not an expert but I can tell you things 11:46	1 Q Okay. Did you ever meet Mr. Blakeman? 12:25
2 that would make a difference to me. 11:46	2 A Yes, I did. 12:25
3 You know, it would be nice to be able to 11:46	3 Q When? 12:25
4 go there to surf anytime without being scared that 11:46	4 A I don't remember specifically the first 12:25
5 someone's going to be videotaping me, someone's 11:46	5 time that I met him. 12:25
6 going to tell me I'm not wanted there, you know, 11:47	6 And what do you mean by meet exactly? Do 12:26
7 being asked why I'm there. 11:47	7 you mean when I first saw him? 12:26
8 So, the whole -- the attitude of the 11:47	8 Q When you first encountered him, met him, 12:26
9 place, the -- also, you know, the people that harass 11:47	9 meeting? 12:26
10 everyone and, you know, the entire group of locals 11:47	10 A I don't think we ever had actually -- he 12:26
11 that is territorial and tries to exclude outsiders; 11:47	11 never introduced himself to me in a proper manner. 12:26
12 I would feel safe if their behavior changed and if 11:47	12 He was just always harassing me. 12:26
13 the ones that have done violent crimes weren't there 11:47	13 Q Let's start with when did you first ever 12:26
14 anymore. 11:47	14 see him or be in his company? 12:26
15 I would feel safe if there wasn't ongoing, 11:47	15 A Sure. 12:26
16 you know, illegal activity in the fort such as 11:47	16 It's hard for me to pinpoint the exact 12:26
17 drinking. I would feel safe if, you know, people 11:47	17 time, but I do remember him -- seeing him 12:26
18 weren't trying to spear other surfers in the water 11:47	18 continuously filming. He usually carries around a 12:26
19 with their boards or throw rocks at them or yell at 11:47	19 mono pod with a camera and is always recording 12:26
20 them. 11:47	20 either on top of the bluff or below. 12:26
21 I would feel safe if I could actually park 11:47	21 Q Okay. 12:26
22 my car there without being scared that it's going to 11:47	22 A I don't know if I saw him prior to the 12:26
23 be vandalized. I would feel safe if I knew that 11:48	23 incident on February 13th or not, but I definitely 12:26
24 there wasn't any racism going on there. 11:48	24 encountered him then. But I have seen him on other 12:26
25 You know, there's a number of things that 11:48	25 instances. 12:27
Page 293	Page 295

<p>1 Q You saw him on February 13th, that was the 12:26 2 incident which you described yesterday with the 12:27 3 beer? 12:27 4 A Yes. 12:27 5 Q And we'll go over that in a minute. 12:27 6 Do you think you saw him there before 12:27 7 February 13th or you just don't remember? 12:27 8 A I may have. He's one of the number of 12:27 9 individuals that is constantly there videotaping. 12:27 10 There's him and there's another brown-haired man, I 12:27 11 think his name is Hank. 12:27 12 Q Do you have any specific recollection of 12:27 13 any interaction with Mr. Blakeman before 12:27 14 February 13th between him and yourself? 12:27 15 A I don't have any specific recollection at 12:27 16 this time. 12:27 17 Q So the first specific recollection you 12:27 18 have of an encounter with him is on the 12:27 19 February 13th? 12:27 20 A At this time -- at this time, I can be 12:27 21 sure that -- I can be sure of meeting him then. If 12:27 22 I met him before, I wouldn't remember at this time. 12:27 23 Q Were there any times after February 13th 12:28 24 when you encountered him at the bluffs or -- 12:28 25 A Yes, there were. 12:28 Page 296</p>	<p>1 And I remember he was always with a video camera. I 12:29 2 remember he told me that one of the reasons he keeps 12:29 3 filming me is because he's making a documentary. I 12:29 4 remember -- yeah, him always filming me and -- in 12:29 5 ways that were intimidating to me. 12:29 6 I remember one time in particular that he 12:29 7 was sitting on top of the rocks and I had gone to 12:30 8 the fort that day to take photos, and as I was 12:30 9 coming back I had to pass next to him on the way 12:30 10 back up the hill. That was the time that I believe 12:30 11 I asked him, you know, why he keeps filming me, and 12:30 12 he told me he's making a documentary I think for A&E 12:30 13 I believe is what he told me. 12:30 14 And I don't know, just he acted as 12:30 15 though -- as though it was just normal to constantly 12:30 16 have a camera pointed in my face. 12:30 17 Q Anything else that he said to you on those 12:30 18 occasions other than -- 12:30 19 A I remember -- 12:30 20 Q -- February 13th? 12:30 21 A -- him commenting, yes -- I'm sorry I 12:30 22 interrupted you. 12:30 23 I remember him commenting that I believe 12:30 24 the kneeboarder was very good. 12:31 25 I remember him just constantly following 12:31 Page 298</p>
<p>1 Q How many times after February 13th did you 12:28 2 see him or encounter him? 12:28 3 A I don't remember. At least once, maybe 12:28 4 twice, maybe three times. 12:28 5 Q Can you separate those out and -- in terms 12:28 6 of dates or times or relative times after 12:28 7 February 13th like a week after, month after, year 12:28 8 after? 12:28 9 A I can't separate them as to the exact 12:28 10 times of the month and week. That would be 12:28 11 difficult for me. 12:28 12 Q Do you have a specific recollection of one 12:28 13 or two or three separate times, or is it just sort 12:28 14 of a vague recollection that it was at least once 12:28 15 and more than once? 12:28 16 A Yeah, it's a vague recollection. I mean, 12:28 17 I think it was more than once because I do remember 12:28 18 seeing him with a camera and I remember speaking to 12:28 19 him briefly after that incident as well. 12:28 20 Q Okay. What do you remember about any of 12:29 21 the encounters after February 13th with Mr. Blakeman 12:29 22 if you can tell me? 12:29 23 A I remember that he looked familiar because 12:29 24 I -- you know, because after the incident -- I 12:29 25 recognized him after the incident with the beer. 12:29 Page 297</p>	<p>1 me, you know, with a camera. 12:31 2 Q Anything else you remember he said? 12:31 3 A What he said specifically, he never really 12:31 4 talked much. 12:31 5 Q Okay. 12:31 6 A He mostly just kind of made a menacing, 12:31 7 scowling face and would record -- he did tell me his 12:31 8 name once. He said his name was Kelly Logan. 12:31 9 Q When did he tell you that? 12:31 10 A On one of the instances I went down there. 12:31 11 But I think at that point I already knew his name 12:32 12 and I told him, No, I know your name is 12:32 13 Brant Blakeman and he said, No, that's not my name. 12:32 14 Q That was after February 13th? 12:32 15 A Yes. 12:32 16 Q Was that after -- 12:32 17 A That was as I was walking down the trail 12:32 18 and he was walking up the trail and he passed me on 12:32 19 his way up. 12:32 20 Q How did you come to learn his name was 12:32 21 Brant Blakeman and not Kelly Logan? 12:32 22 A That was after the complaint was failed. 12:32 23 Q How did you come to know -- 12:32 24 A Actually, that was not after the complaint 12:32 25 was filed, I'm sorry, because I hadn't gone back 12:32 Page 299</p>

<p>1 after the complaint was filed, so I take that back. 12:32</p> <p>2 Q Okay. How did you know that was his name? 12:32</p> <p>3 A I knew his name from Jen, was the first 12:32</p> <p>4 person that knew his name. And then I knew it based 12:32</p> <p>5 on the investigation and my attorneys. 12:32</p> <p>6 Q This was -- 12:32</p> <p>7 A And I believe the police identified him to 12:33</p> <p>8 me as well at that point. But yes, this was before 12:33</p> <p>9 the complaint was filed. 12:33</p> <p>10 Q And Jen knew him? 12:33</p> <p>11 A She never told me that she knew him. All 12:33</p> <p>12 she told me is what is in those text messages that 12:33</p> <p>13 were attached to the police report, that's all that 12:33</p> <p>14 I knew. 12:33</p> <p>15 Q Did you ever see Brant Blakeman do 12:33</p> <p>16 anything besides filming or speaking to you as you 12:33</p> <p>17 told us at the bay area? 12:33</p> <p>18 A Well, during the incident that occurred on 12:33</p> <p>19 February 13th, it appeared as though he had 12:33</p> <p>20 orchestrated that event with Mr. Jalian Johnston. 12:33</p> <p>21 Q What specifically did he do that made you 12:33</p> <p>22 think that he had orchestrated that? 12:33</p> <p>23 A It appeared as though they had planned the 12:33</p> <p>24 event out in an attempt to try to ruin my camera and 12:34</p> <p>25 in an attempt to try to intimidate me. 12:34</p> <p style="text-align: right;">Page 300</p>	<p>1 who planned it but it appeared that they were 12:35</p> <p>2 following a very distinct plan to try to intimidate 12:35</p> <p>3 me and try to ruin my camera. 12:35</p> <p>4 Q Can you give me any specifics as to why 12:35</p> <p>5 you think that? 12:35</p> <p>6 A I think that because of the way that that 12:35</p> <p>7 the actions unfolded that I just described. 12:36</p> <p>8 Q Were you in the fort and they came to the 12:36</p> <p>9 fort? 12:36</p> <p>10 A Yes. 12:36</p> <p>11 Q And were you there with anyone else? 12:36</p> <p>12 A Jen was there as well. 12:36</p> <p>13 Q Anyone else? 12:36</p> <p>14 A Charlie may have been there sitting on the 12:36</p> <p>15 roof. 12:36</p> <p>16 Q Charlie Ferrara? 12:36</p> <p>17 A Yes. 12:36</p> <p>18 Q Anyone else? 12:36</p> <p>19 A I think that was it. 12:36</p> <p>20 Q And how close were you and Jen together to 12:36</p> <p>21 each other when Mr. Blakeman came to -- 12:36</p> <p>22 A I don't remember specifically, probably 12:36</p> <p>23 about as close as me and the lady with the red 12:36</p> <p>24 flowers. 12:36</p> <p>25 Q So ten feet maybe, eight feet? 12:36</p> <p style="text-align: right;">Page 302</p>
<p>1 Q What specifically was done or did you see 12:34</p> <p>2 that caused you to believe that? 12:34</p> <p>3 A The fact that when they entered the fort 12:34</p> <p>4 it seemed like all of their actions were 12:34</p> <p>5 orchestrated, they immediately rushed towards me. 12:34</p> <p>6 Johnston immediately opened the can of beer and, you 12:34</p> <p>7 know, sprayed it on me and on my camera in what I 12:34</p> <p>8 believe they intended to appear as an accident but 12:34</p> <p>9 to me it felt very intentional. 12:34</p> <p>10 The way that, you know, he was -- he was 12:34</p> <p>11 filming Johnston as though it was like a planned 12:34</p> <p>12 performance it seemed like, you know. The fact that 12:34</p> <p>13 he was holding the camera just right, right next to 12:35</p> <p>14 my face in a way that made me feel threatened or 12:35</p> <p>15 intimidated. 12:35</p> <p>16 Q Go ahead. 12:35</p> <p>17 A A lot of the actions at Lunada Bay between 12:35</p> <p>18 the locals all appeared to be orchestrated based on 12:35</p> <p>19 what I've seen and what I've heard in the surf 12:35</p> <p>20 community. 12:35</p> <p>21 Q Can you give me any specifics as to why 12:35</p> <p>22 you thought the February 13th episode was 12:35</p> <p>23 orchestrated or scripted or somehow created by 12:35</p> <p>24 Mr. Blakeman or with his direction? 12:35</p> <p>25 A I don't know who planned it. I don't know 12:35</p> <p style="text-align: right;">Page 301</p>	<p>1 A Maybe. I mean, it's hard for me to say, 12:36</p> <p>2 but I mean, we weren't -- 12:36</p> <p>3 MR. FRANKLIN: Five feet. 12:36</p> <p>4 MR. DIEFFENBACH: Five feet, okay. 12:36</p> <p>5 THE WITNESS: Maybe five feet. I mean, I 12:36</p> <p>6 remember she wasn't right next to me. 12:36</p> <p>7 BY MR. DIEFFENBACH: 12:36</p> <p>8 Q How far was Mr. Charlie Ferrara from 12:36</p> <p>9 where you and Jen -- 12:36</p> <p>10 A Charlie was sitting on the roof. 12:37</p> <p>11 Q Okay. 12:37</p> <p>12 A Not of the bluff, but of the fort. 12:37</p> <p>13 Q Were you near him? 12:37</p> <p>14 A I wasn't on the roof, no, so I wasn't near 12:37</p> <p>15 him. 12:37</p> <p>16 Q How many feet between you and Charlie? 12:37</p> <p>17 A Again, it's hard for me to estimate 12:37</p> <p>18 because I haven't been to the fort in some time, but 12:37</p> <p>19 I know our relative locations. You know, he was on 12:37</p> <p>20 the fort on the roof, and I was towards the end 12:37</p> <p>21 where there's like a little carved seating area. 12:37</p> <p>22 Q The patio is there, whatever it is? 12:37</p> <p>23 A Yeah, kind of near the back table. 12:37</p> <p>24 Q Was Charlie closer to you or farther away 12:37</p> <p>25 from you than you were to Jen? 12:37</p> <p style="text-align: right;">Page 303</p>

1	A	I don't remember that.	12:37
2	Q	From which direction did Mr. Blakeman	12:37
3		enter the scene?	12:37
4	A	They -- Mr. Blakeman and Mr. Johnston both	12:37
5		entered through the entrance. There's only one	12:37
6		entrance that I know of to the fort.	12:37
7	Q	Which is on the north end?	12:37
8	A	I don't know which direction it faces.	12:38
9	Q	The end towards Malibu?	12:38
10	A	I would have to look at a map, I don't	12:38
11		have a compass in front of me. But there's only one	12:38
12		entrance that I know of.	12:38
13	Q	Describe for me what -- how it unfolded,	12:38
14		how your encounter with him, Mr. Blakeman, unfolded	12:38
15		at that time.	12:38
16	A	Again, it's hard for me to remember the	12:38
17		specific details, but I'll do my best to tell you	12:38
18		what I remember.	12:38
19	Q	Okay. That would be great.	12:38
20	A	I do remember being very startled by them	12:38
21		entering because I didn't see them walking down the	12:38
22		pathway. I don't know if that means that I was	12:38
23		facing away from them. There's a possibility I was	12:38
24		and I was facing the ocean. I don't recall if I was	12:38
25		taking photos at the time because I think my camera	12:38
Page 304			
1		was on the table. Or it may have been around my	12:38
2		neck but I don't believe that I was taking photos at	12:39
3		that time. I think I was watching my friend	12:39
4		surfing.	12:39
5		But as I said, I remember being very	12:39
6		startled. I remember Mr. Blakeman coming in holding	12:39
7		his camera on a tripod.	12:39
8	Q	Who came in first, Mr. Blakeman or	12:39
9		Mr. Johnston?	12:39
10	A	I'm not 100 percent sure, but I think	12:39
11		Mr. Blakeman was behind Mr. Johnston, I think.	12:39
12	Q	Was Mr. Blakeman doing anything as he	12:39
13		entered?	12:39
14	A	Yes, as I was saying, he was holding the	12:39
15		camera on some kind of tripod device recording, very	12:39
16		menacing, threatening look on his face that made me	12:39
17		extremely fearful.	12:40
18		Mr. Johnston was -- also had a very	12:40
19		menacing and fearful expression. The way that they	12:40
20		walked and their body language also appeared	12:40
21		threatening. They were making big, loud steps and	12:40
22		just a lot of heavy, you know, frightening movements	12:40
23		that made me feel that they were there in an	12:40
24		aggressive and hostile way.	12:40
25	Q	What kind of camera was Mr. Blakeman	12:40
Page 305			
1		carrying on a tripod?	12:40
2	A	I don't remember what type of camera he	12:40
3		had.	12:40
4	Q	Was it a video camera or digital camera or	12:40
5		movie camera, could you tell, was it big, little, in	12:40
6		between?	12:40
7	A	You know, I don't remember the specific	12:40
8		model of camera that it was. It appeared to be a	12:40
9		video camera.	12:40
10	Q	Go ahead.	12:41
11	A	But I don't remember -- I don't remember	12:41
12		if it had a view finder that popped out or not, it's	12:41
13		hard for me to say.	12:41
14	Q	Did it have a microphone with it?	12:41
15	A	I would assume it did since pretty much	12:41
16		all cameras do.	12:41
17	Q	Do you have a specific recollection of	12:41
18		that or just you're assuming?	12:41
19	A	Yeah, I'm just assuming that it had a	12:41
20		microphone on it. It didn't have an external	12:41
21		microphone that was attached that you typically	12:41
22		attach to professional cameras if that's what you're	12:41
23		asking. It appeared to be a consumer-level camera.	12:41
24	Q	Was there any indication that the camera	12:41
25		was actually recording, for instance, a red light or	12:41
Page 306			
1		some flashing light or something that you can	12:41
2		recall?	12:41
3	A	I don't remember.	12:41
4	Q	So they entered, Mr. Johnston entered	12:41
5		first and Mr. Blakeman was right behind him or?	12:41
6	A	Again, I'm not 100 percent sure. But I	12:41
7		think that that's the way that they entered. I	12:42
8		remember they entered fairly close together, I	12:42
9		think.	12:42
10	Q	And did anyone --	12:42
11	A	Because Mr. Blakeman was recording the	12:42
12		incident, so that's why I'm -- I think he was behind	12:42
13		him.	12:42
14	Q	Did anyone say anything to you as they	12:42
15		entered?	12:42
16	A	Yes, Mr. Johnston appeared to be forging a	12:42
17		celebration, and, you know, he was raising his voice	12:42
18		and saying woo-hoo, you know, L.A. Times, and he	12:42
19		was -- as I can assume now, attempting to celebrate	12:42
20		the fact that the L.A. Times had published an	12:42
21		article about Lunada Bay and it was on the front	12:42
22		page that day. And I was unaware of that fact at	12:42
23		the time.	12:42
24	Q	When you say "forging a celebration," what	12:42
25		do you mean?	12:42
Page 307			

<p>1 A What I mean is that they were obviously 12:42 2 there to intimidate and harass me, and the way that 12:43 3 they wanted to do it, I guess, was to pretend that 12:43 4 they were celebrating the fact that the article came 12:43 5 out but clearly they were upset about the article. 12:43 6 Q Did they say anything other than woo-hoo, 12:43 7 L.A. Times, to give you an indication that they -- 12:43 8 A Yeah, they did. 12:43 9 Q Let me finish my question. 12:43 10 Did they give you any indication that they 12:43 11 were trying to intimidate based on the article? 12:43 12 A They did. I don't remember the specific 12:43 13 things that they said. I definitely do remember 12:43 14 their facial expressions and their body language 12:43 15 and, you know, that can say a lot more than words 12:43 16 can say. 12:43 17 Q After the woo-hoo comment, was there 12:43 18 anything else said to you? 12:43 19 A Well, it all seemed to me like it happened 12:43 20 at once. It was very frightening to me, so kind 12:43 21 of -- to me it feels like everything all happened at 12:44 22 the same time. I remember, you know, them rushing 12:44 23 towards me with the beer, offering me beer. I 12:44 24 believe I said, No. But I remember him rushing 12:44 25 towards me. 12:44 Page 308</p>	<p>1 remember. I believe in the complaint I think it 12:45 2 says a case of beer. I do remember him throwing a 12:45 3 lot of beer down, like chugging the beers and 12:45 4 throwing them down. 12:45 5 Q Empty cans you mean? 12:45 6 A I don't think they were empty. I think 12:45 7 that he was just taking one sip and throwing them 12:45 8 down on the floor in an attempt to spray beer and 12:45 9 intimidate as well. 12:46 10 Q Did -- this is Mr. Johnston you're talking 12:46 11 about? 12:46 12 A Yes. 12:46 13 Q Did Mr. Johnston ever say any words to you 12:46 14 like, Take that, or any kind of challenging words or 12:46 15 anything like that to you that you can recall? 12:46 16 A He said a lot of things to me that were 12:46 17 very traumatic and so it's hard for me to recall 12:46 18 everything. 12:46 19 What I'm remembering right now is I 12:46 20 remember -- I remember Mr. Blakeman very, very close 12:46 21 to my face with the camera, you know, and I remember 12:46 22 being extremely frightened and, you know, kind of 12:46 23 frozen. And I remember asking him, you know, Why 12:46 24 are you filming me? 12:46 25 Q The positioning of everything, when they 12:46 Page 310</p>
<p>1 Q When you say "rushing towards me," what do 12:44 2 you mean? 12:44 3 A By that, I mean I remember him walking, 12:44 4 you know, moving towards me quickly, I wouldn't say 12:44 5 walking, but moving towards me in an extremely quick 12:44 6 and frightening way to where he was in my personal 12:44 7 space, very close. 12:44 8 Q This is Mr. Johnston or Mr. Blakeman? 12:44 9 A I remember Mr. Johnston doing it. 12:44 10 Mr. Blakeman was close to me as well. 12:44 11 Q Did Mr. Johnston have anything in his 12:44 12 hands? 12:44 13 A He -- I think that he had a can of beer in 12:44 14 his hands, I don't remember if he entered with the 12:45 15 can of beer or if he pulled out the can of beer, I 12:45 16 don't know at what point that can of beer was in his 12:45 17 hands. But I do remember him shaking up the can of 12:45 18 beer and spraying it on my arm and my camera. 12:45 19 Q Did Mr. Blakeman have anything besides the 12:45 20 camera and tripod in his hands? 12:45 21 A He may have had; I don't know. 12:45 22 Q It was just one can of beer -- I heard 12:45 23 mention of I thought a case of beer. Was there a 12:45 24 case of beer somewhere? 12:45 25 A At this moment it's hard for me to 12:45 Page 309</p>	<p>1 came in, were they off to your left, to your right, 12:46 2 in front of you, behind you? 12:46 3 A The positioning for me is hard for me to 12:47 4 remember. I'm pretty sure they weren't behind me 12:47 5 obviously. But as to like specifically where in the 12:47 6 front it's hard for me to remember at this time. 12:47 7 Q How soon after you first saw them on the 12:47 8 patio there did Mr. Johnston, for instance, say, 12:47 9 Woo-hoo, L.A. Times, or whatever he said? 12:47 10 A To me, it's, again -- it was very 12:47 11 traumatic and it seemed like everything all happened 12:47 12 at once. 12:47 13 And, you know, it's hard for me to -- to 12:47 14 remember the event in slow motion, I guess, is what 12:47 15 you're trying to get me to do. But it all seemed to 12:47 16 happen very quickly. 12:47 17 Q Did he come in and say this thing and then 12:47 18 immediately he was shaking a beer can while he did 12:47 19 it and opened it; if you can tell me how that 12:48 20 happened. 12:48 21 A Yeah, it seemed -- from what I can 12:48 22 remember, what it seemed like was, you know, they 12:48 23 entered the fort in a hostile manner, it seemed like 12:48 24 that's when they were pretending to forge a 12:48 25 celebration for the L.A. Times, and then proceeded 12:48 Page 311</p>

<p>1 to rush towards me with a can of beer. And it all 12:48</p> <p>2 happened very quickly, what it seemed like to me. 12:48</p> <p>3 Q Just ask for your recollection, that's all 12:48</p> <p>4 I can get. 12:48</p> <p>5 Was it within -- did it all occur within a 12:48</p> <p>6 minute or less than five seconds, if you can tell 12:48</p> <p>7 me? 12:48</p> <p>8 A I can't tell you that, I don't know. 12:48</p> <p>9 Q Was it within a minute do you think of 12:48</p> <p>10 their entering, or five minutes or? 12:48</p> <p>11 MR. FRANKLIN: Vague and ambiguous. 12:48</p> <p>12 THE WITNESS: It's hard for me to say. It 12:48</p> <p>13 just seems like it happened very fast. 12:48</p> <p>14 BY MR. DIEFFENBACH: 12:48</p> <p>15 Q Can you estimate for me how long the 12:48</p> <p>16 entire episode of involving you and Mr. Johnston, 12:48</p> <p>17 Mr. Blakeman, lasted that you were at the patio and 12:49</p> <p>18 they were there and something was going on that day, 12:49</p> <p>19 the February 13th encounter? 12:49</p> <p>20 A From the moment they entered until he went 12:49</p> <p>21 into the water? 12:49</p> <p>22 Q Yeah, while you were at the -- while you 12:49</p> <p>23 were near them and they were near you, how long did 12:49</p> <p>24 that last? Was it a matter of just a minute or was 12:49</p> <p>25 it ten minutes or? 12:49</p> <p style="text-align: right;">Page 312</p>	<p>1 A Again, that's hard for me to do. I think 12:50</p> <p>2 that he may have leaned into me as he was trying to 12:50</p> <p>3 do this. 12:50</p> <p>4 Q When he opened the beer, was he standing 12:50</p> <p>5 on one side or the other of you, do you remember, or 12:50</p> <p>6 in front of you or whatever? 12:50</p> <p>7 A Yeah, I don't remember exactly. I 12:50</p> <p>8 think -- I mean, I know he was facing me. 12:50</p> <p>9 Q Did he open the beer with his left hand or 12:51</p> <p>10 his right hand, do you recall? 12:51</p> <p>11 A No, I don't recall that type of detail. 12:51</p> <p>12 Q Or what hand he was holding the beer in? 12:51</p> <p>13 A No, I don't recall that at all. 12:51</p> <p>14 Q Did he extend his arms as he opened it 12:51</p> <p>15 towards you or did he just open the beer? 12:51</p> <p>16 A I don't remember. 12:51</p> <p>17 Q And you said some beer came out. And 12:51</p> <p>18 describe -- 12:51</p> <p>19 A Some beer what? 12:51</p> <p>20 Q Some beer came out of the can; right, when 12:51</p> <p>21 he opened it? 12:51</p> <p>22 A Yes, there was a spray, a large spray of 12:51</p> <p>23 beer. 12:51</p> <p>24 Q Was it -- have you ever opened a soda that 12:51</p> <p>25 was shaken up or opened a beer that was shaken up 12:51</p> <p style="text-align: right;">Page 314</p>
<p>1 A I'm not quite sure, you know, what you're 12:49</p> <p>2 asking me specifically because a lot of stuff 12:49</p> <p>3 happened. So if you're asking me from the time that 12:49</p> <p>4 they entered the fort to the time Blakeman went to 12:49</p> <p>5 go sit on the roof and Mr. Johnston went in the 12:49</p> <p>6 water? 12:49</p> <p>7 Q Sure, that's fine. 12:49</p> <p>8 A It seemed like awhile but it's hard for me 12:49</p> <p>9 to quantify the exact amount of time because I was 12:49</p> <p>10 really scared and I was just frozen in fear, I 12:49</p> <p>11 really couldn't think straight, so it seemed like 12:49</p> <p>12 forever to me. 12:49</p> <p>13 Q And the beer incident, you said 12:49</p> <p>14 Mr. Johnston shook up the can of beer and -- is that 12:50</p> <p>15 correct? 12:50</p> <p>16 A Yes. 12:50</p> <p>17 Q And you remember him shaking it like he 12:50</p> <p>18 was trying to make it foamy or whatever? 12:50</p> <p>19 A Yeah. He did it all very, very quickly is 12:50</p> <p>20 what I remember. 12:50</p> <p>21 Q And he was standing near you or far away 12:50</p> <p>22 from you when he opened the beer? 12:50</p> <p>23 A I think that -- I think that he was pretty 12:50</p> <p>24 near me. I mean, it seemed like he was near me. 12:50</p> <p>25 Q Can you estimate how close he was? 12:50</p> <p style="text-align: right;">Page 313</p>	<p>1 and it sort of, it's like a fountain, was it like 12:51</p> <p>2 that? Or was it just a -- describe the spray, I 12:51</p> <p>3 guess. 12:51</p> <p>4 A I haven't opened a beer that's done that 12:51</p> <p>5 but I've opened a soda that's done that. But from a 12:51</p> <p>6 bottle. 12:51</p> <p>7 Yeah, I mean, it was a lot of spray on my 12:51</p> <p>8 arm and my camera. I mean, it felt like he poured 12:52</p> <p>9 it on me but, again, it happened so quickly. 12:52</p> <p>10 Q Where did the beer land on you? 12:52</p> <p>11 A From what I remember, you know, it landed 12:52</p> <p>12 all over my arm. 12:52</p> <p>13 Q Which one? 12:52</p> <p>14 A I think it was my left arm, I think. 12:52</p> <p>15 Q Did it -- were you wearing anything on 12:52</p> <p>16 your arm, or did it just land on your skin? 12:52</p> <p>17 A I don't remember what I was wearing. 12:52</p> <p>18 Q Did you have a towel with you that day? 12:52</p> <p>19 A I don't think so. 12:52</p> <p>20 Q Can you estimate how much beer landed on 12:52</p> <p>21 your arm? Were you soaking wet? Was it just a 12:52</p> <p>22 couple of drops? 12:52</p> <p>23 A It was definitely more than a couple of 12:52</p> <p>24 drops, but it's hard for me to estimate the exact 12:52</p> <p>25 amount. 12:52</p> <p style="text-align: right;">Page 315</p>

1 Q What about your camera, what kind of 12:52	1 time? 12:55
2 camera was it? 12:53	2 A I think that he was on the roof during the 12:55
3 A It was a Cannon 5D Mark III. 12:53	3 entire time which I would assume that he saw 12:55
4 Q That's a 35-millimeter? 12:53	4 everything. 12:55
5 A No, it's a digital camera. 12:53	5 Q Did he say anything that you can recall? 12:55
6 Q I guess I used the old fashioned term, 12:53	6 A He didn't say anything. 12:55
7 it's an SLR type camera? 12:53	7 Q Did Mr. Blakeman say anything that you can 12:55
8 A It's an SLR type camera, yes. 12:53	8 recall? 12:55
9 Q Do you remember, did you have it on your 12:53	9 A I don't remember. I think he was just 12:55
10 neck, was it on your hand, was it sitting next to 12:53	10 recording and, you know, just -- I remember, like I 12:55
11 you on a table or something? 12:53	11 said, there was a point in time where the camera was 12:55
12 A Again, it's hard for me to remember 12:53	12 literally, like, right in my face and I felt 12:55
13 whether it was on my neck or on the table. I mean, 12:53	13 extremely, extremely scared. 12:55
14 I do remember the beer getting on it. I think it 12:53	14 Q When you say "right in my face," what does 12:55
15 might have been sitting on the table, but I'm not 12:53	15 that mean, how close? 12:55
16 100 percent sure. 12:53	16 A To me, I mean, it seemed like it was, you 12:55
17 Q Where was it in relation to you, was it 12:53	17 know, very, very close. But, again, you know, I was 12:55
18 over to your right or to your left? 12:53	18 scared, so it's hard for me to give you an exact 12:55
19 A Again, I don't remember. I just remember 12:53	19 amount as, you know, things sometimes seem closer 12:55
20 that I think it was pretty close to me. 12:53	20 than they are when you're scared. 12:55
21 Q Was it -- if it -- do you remember if it 12:53	21 Q You gestured like a foot away, was it that 12:55
22 was on the table, was it laying on the bottom of the 12:53	22 close? 12:56
23 camera like sitting on the table, or was it on its 12:53	23 A Maybe. Maybe a foot, maybe two feet. But 12:56
24 edge, or was it lens up, lens down? 12:53	24 it was close enough to where it felt uncomfortable. 12:56
25 A No, if it was on the table, you know, I 12:53	25 Q Have you told me all the things you can 12:56
Page 316	Page 318
1 would assume it was just, you know, just the way 12:53	1 remember about your encounter with Mr. Blakeman on 12:56
2 that you put a camera down, just down -- 12:54	2 the 13th of February? Is there anything else that 12:56
3 Q With the lens sticking up horizontally and 12:54	3 we haven't covered? 12:56
4 the camera body -- bottom of the camera body on the 12:54	4 MR. FRANKLIN: Vague and ambiguous. 12:56
5 flat surface? 12:54	5 BY MR. DIEFFENBACH: 12:56
6 A Yes. 12:54	6 Q That you can recall? 12:56
7 Q And what part of the camera got beer on 12:54	7 MR. FRANKLIN: Calls for a narrative. 12:56
8 it, do you remember? 12:54	8 THE WITNESS: There's definitely a lot 12:56
9 A Yeah, I remember that a lot of the body of 12:54	9 more that I haven't told you about the encounter. 12:56
10 the camera got beer on it which was concerning to me 12:54	10 BY MR. DIEFFENBACH: 12:56
11 because that's the part that's not waterproof. I 12:54	11 Q Okay. Please tell me what else you can 12:56
12 think it got on the lens, too. 12:54	12 tell me about that. 12:56
13 Q Did you have something to wipe it off 12:54	13 A It's hard for me to remember everything. 12:56
14 with, or did you use anything to wipe it off with? 12:54	14 I can just tell you what I recall at the moment. 12:56
15 A I don't remember. 12:54	15 But the more questions you ask me the more it helps 12:56
16 Q Did you say anything when that happened, 12:54	16 me. 12:56
17 when the beer sprayed? 12:54	17 Q I wasn't there so I don't know what to ask 12:56
18 A I wish I did say something but I was too 12:54	18 you except to ask you to tell me what other things 12:56
19 scared. 12:54	19 you can recall about the episode on the 13th 12:56
20 Q Did Jen say anything? 12:54	20 specifically with regard to Mr. Blakeman that you 12:56
21 A I don't remember if she said anything. 12:54	21 haven't told me about already. 12:56
22 Q Do you remember? 12:54	22 You told me that he had a camera, that he 12:57
23 A I don't know if she saw it, I don't know 12:54	23 took videos, that he looked menacing to you, that he 12:57
24 what she saw. 12:54	24 videotaped or whatever? 12:57
25 Q Was Charlie Ferrara still around at that 12:54	25 A Yeah, I remember that he wouldn't stop 12:57
Page 317	Page 319

<p>1 videotaping me. I think I might have asked him to 12:57 2 stop -- I mean, I definitely asked him why they're 12:57 3 doing that. I feel like his role was to record 12:57 4 rather than to speak and to intimidate through his 12:57 5 camera. 12:57 6 So I remember him, like I said, getting 12:57 7 very close to me and being -- felt like he was right 12:57 8 in my face with the camera. I remember asking them 12:57 9 why they're filming me and they said they're filming 12:57 10 me because I'm sexy and because I turn them on and 12:57 11 that was what Mr. Johnston was saying. 12:57 12 Q Did Mr. Blakeman say that? 12:57 13 A I don't remember if Mr. Blakeman said that 12:57 14 or not, but I do remember Mr. Johnston said that. 12:57 15 Q Okay. Anything else? 12:57 16 I mean, I can only ask you for your 12:58 17 memory, I'm not trying to put words in your mouth or 12:58 18 maybe there isn't anything else but I have just have 12:58 19 to say anything else and you tell me? 12:58 20 MR. FRANKLIN: Vague and ambiguous. 12:58 21 THE WITNESS: There's definitely a lot 12:58 22 that happened, it was just very traumatic, so. 12:58 23 You know, I remember him following 12:58 24 Mr. Johnston around as well filming him. There were 12:58 25 points in time where he was close to me, there were 12:58 Page 320</p>	<p>1 A You know, stature, someone's stature, 13:00 2 someone's walk, someone's expression. 13:00 3 Q What was it that -- 13:00 4 A You being threatening by getting into 13:00 5 someone's personal space. 13:00 6 Q What stature was employing that was 13:00 7 hostile if you can recall? 13:00 8 A What stature? 13:00 9 Q Hmm-mm. 13:00 10 A I mean, the way that they entered into the 13:00 11 fort even was very -- just it seemed like they had a 13:00 12 lot of built-up anger, like if you ever see people 13:00 13 that are about to fight other people, that's what it 13:01 14 seemed like. 13:01 15 Q Did they fight with you? 13:01 16 A They didn't fight with me but they 13:01 17 definitely had that -- they definitely had that feel 13:01 18 to them; very tense, very hostile, very 13:01 19 intimidating, very threatening, both through body 13:01 20 language, the way that they walked, the way that 13:01 21 they had their facial expression. 13:01 22 Q Okay. Were there any other specifics you 13:01 23 can tell me about any of the other encounters you 13:01 24 had with Mr. Blakeman that you haven't told me 13:01 25 about? 13:01 Page 322</p>
<p>1 other points in time where he was far away from me. 12:58 2 Eventually, he was on the roof with Charlie, I don't 12:58 3 remember how he got up there. 12:58 4 I remember Mr. Johnston changing. I don't 12:58 5 remember where Mr. Blakeman was at that point, if he 12:58 6 was next to me or not. 12:58 7 I remember, like I said, Mr. Johnston 12:59 8 throwing the cans of beer down and Mr. Blakeman 12:59 9 filming that. And, again, I remember just his 12:59 10 extremely menacing expressions and, you know, the 12:59 11 manner that he was walking around in. 12:59 12 BY MR. DIEFFENBACH: 12:59 13 Q What is a menacing expression to you, what 12:59 14 does that mean? 12:59 15 A I mean, he looked like -- I mean, he 12:59 16 was -- obviously, he was scowling, he was -- his 12:59 17 body language conveyed that he was hostile, he -- I 12:59 18 mean, they were making -- he was making sexual 12:59 19 comments, Mr. Johnston was. And I just felt very 12:59 20 frightened like anything could happen, you know. 13:00 21 Q The hostile body language, was that 13:00 22 Mr. Blakeman doing that, too? 13:00 23 A Yes. 13:00 24 Q What is hostile body language, describe 13:00 25 that if you can. 13:00 Page 321</p>	<p>1 MR. FRANKLIN: Vague and ambiguous. 13:01 2 THE WITNESS: Again, I don't remember 13:01 3 everything at this moment, but I did tell you about, 13:01 4 you know, the time that I encountered him on the 13:01 5 trail when he said that his name is not 13:01 6 Brant Blakeman. I mean, every time I've encountered 13:01 7 him he's appeared very hostile both in his body 13:02 8 language and his expressions. 13:02 9 BY MR. DIEFFENBACH: 13:02 10 Q When you encountered him -- 13:02 11 A And also, the time that he told me he's 13:02 12 making the documentary for cable television, I think 13:02 13 it was A&E that he told me he was making a 13:02 14 documentary for, he seemed -- I mean, again, he was 13:02 15 even hostile then, always recording me, you know, 13:02 16 even whether or not I'm close to him. 13:02 17 Q When he was sitting on the rocks and you 13:02 18 said you walked past him, and -- was that the time 13:02 19 when he said he was making a documentary for A&E, 13:02 20 was that all the same time? 13:02 21 A I think so. 13:02 22 And he recorded me when he was saying 13:02 23 that. Pretty much every encounter that I've had 13:03 24 with him he recorded. 13:03 25 Q Do you know whether that episode with the 13:03 Page 323</p>

1 making a documentary and sitting on the rocks, was 13:03	1 BY MR. DIEFFENBACH: 13:05
2 that before or after you had filed the lawsuit? 13:03	2 Q Did Mr. Blakeman ever use the words 13:05
3 A I never went back after I filed the 13:03	3 "Bay Boys" with you? 13:05
4 lawsuit except with news reporters. 13:03	4 A I don't know if he has or hasn't. 13:05
5 Q Did you ever see Mr. Blakeman -- 13:03	5 Q Did you ever see him wearing clothing that 13:05
6 A Um. 13:03	6 had any insignias like "Bay Boys" on it or something 13:06
7 Q Go ahead. 13:03	7 like that? 13:06
8 A Actually now that I'm thinking about it, I 13:03	8 A I did not, no. 13:06
9 believe that he may have been there on January 29th 13:03	9 Q Did you ever see him sell drugs at 13:06
10 recording on the bluff. 13:03	10 Lunada Bay? 13:06
11 Q What makes you think that? 13:03	11 A I didn't see him sell drugs. 13:06
12 A There's a photo of him that was published 13:03	12 Q Did you ever buy drugs at Lunada Bay 13:06
13 and is attached to the police report. It's the 13:03	13 yourself? 13:06
14 police report describing the incident on 13:03	14 A I don't do drugs, so no. 13:06
15 February 13th, that's the one. But if you look 13:03	15 Q Okay. 13:06
16 through the photographs, because I reviewed this 13:03	16 A I believe that I saw him drinking beer 13:06
17 document, there's a photo of a man holding a camera 13:04	17 which is illegal so I think I did see him doing 13:06
18 with like a plaid shirt, and that's him. 13:04	18 that. 13:06
19 Q Did you encounter him on the 29th that you 13:04	19 Q When was that? 13:06
20 can recall? 13:04	20 A That must have been on the incident on 13:06
21 A I remember being uncomfortable because I 13:04	21 February 13th. I believe he was drinking beer on 13:06
22 was being recorded and the more I think about it, 13:04	22 the roof when he was sitting there with Charlie. So 13:06
23 the more -- the more it seems like it must have been 13:04	23 I guess to answer your question, I did see him doing 13:06
24 Mr. Blakeman that recorded me. 13:04	24 illegal activity by drinking alcohol because it's 13:06
25 Q But did you have any personal encounter 13:04	25 not allowed there. 13:06
Page 324	Page 326
1 with him at that time or he was just -- he's in a 13:04	1 Q That was just that one occasion, the 13:06
2 photograph and it's reminding you that maybe he was 13:04	2 February 13th? 13:06
3 there taking videos? 13:04	3 A Yeah, I don't think I saw him drinking 13:06
4 A Well, it's uncomfortable anytime someone's 13:04	4 alcohol. 13:06
5 just outright recording you. I mean, he's not -- 13:04	5 MR. FIELDS: We really need to wrap up so 13:06
6 he's there to intimidate people. He's not there to 13:04	6 other people can ask questions. 13:06
7 take photos of Lunada Bay or record Lunada Bay or, 13:04	7 MR. DIEFFENBACH: I'm moving. 13:06
8 you know, be friendly to the visitors. I mean, he's 13:04	8 BY MR. DIEFFENBACH: 13:06
9 there in an effort to intimidate people by recording 13:04	9 Q Did you see Mr. Blakeman commit any 13:06
10 them, making them not feel welcomed, making them 13:05	10 assaults or batteries on anybody ever? 13:07
11 feel as though they're intruders. I feel that's his 13:05	11 A I did not see him. 13:07
12 role as part of the Bay Boys is, you know, to 13:05	12 MR. FRANKLIN: Objection to the extent it 13:07
13 record, so that, you know. 13:05	13 calls for a legal conclusion. 13:07
14 Q That's your opinion, your impression? 13:05	14 THE WITNESS: I didn't see him, you know, 13:07
15 A It's what -- that's what he makes it seem 13:05	15 physically beating anyone or attacking anyone. Like 13:07
16 like, yeah, but he definitely -- he definitely 13:05	16 I said, I've only seen him act in a very hostile way 13:07
17 portrays a hostile attitude by his actions towards 13:05	17 by, you know, intimidation through his camera. 13:07
18 outsiders. I mean, he's not there recording -- 13:05	18 BY MR. DIEFFENBACH: 13:07
19 they're not there recording themselves. 13:05	19 Q Did you ever see him vandalize anything? 13:07
20 MR. FIELDS: Could I interject? How much 13:05	20 MR. FRANKLIN: Objection, to the extent it 13:07
21 time do we have left? I want to make sure we don't 13:05	21 calls for legal conclusion. 13:07
22 run out of time. 13:05	22 MR. FIELDS: I'm going to ask you in about 13:07
23 THE VIDEOGRAPHER: We have 50 minutes. 13:05	23 five minutes to just switch over no matter what. 13:07
24 MR. FIELDS: We need to -- 13:05	24 MR. DIEFFENBACH: Okay. 13:07
25 MR. DIEFFENBACH: Okay. 13:05	25 THE WITNESS: I mean, if you mean by 13:07
Page 325	Page 327

<p>1 vandalize, you know, orchestrating this whole event 13:07</p> <p>2 with the beer in attempt to damage my camera, you 13:07</p> <p>3 know, then that would be an attempt to vandalize my 13:07</p> <p>4 property. 13:07</p> <p>5 BY MR. DIEFFENBACH: 13:07</p> <p>6 Q Did he ever slash your tires or scratch 13:07</p> <p>7 your car or break a window that you can recall? 13:07</p> <p>8 A He never did anything related to my car 13:07</p> <p>9 that I can recall. 13:08</p> <p>10 Q Did he ever injure you? 13:08</p> <p>11 A Yes. 13:08</p> <p>12 Q Physically? 13:08</p> <p>13 A Not physically. You know, as far as 13:08</p> <p>14 pouring the beer on me, I would suppose that's an 13:08</p> <p>15 injury if you can relate him to organizing it, but, 13:08</p> <p>16 you know, he have definitely injured me mentally. 13:08</p> <p>17 Q Okay. Those are the ways you described 13:08</p> <p>18 already? 13:08</p> <p>19 A What are you asking me specifically? 13:08</p> <p>20 Q Those were the acts you described already, 13:08</p> <p>21 the hostile acts and the videotape? 13:08</p> <p>22 A What is the question? 13:08</p> <p>23 Q The question is the way that he injured 13:08</p> <p>24 you was through the acts that you've already 13:08</p> <p>25 described? 13:08</p> <p style="text-align: right;">Page 328</p>	<p>1 MR. FIELDS: This is going to eat up the 13:10</p> <p>2 rest of the day, and other people are entitled to 13:10</p> <p>3 ask questions. 13:10</p> <p>4 MR. DIEFFENBACH: Okay. 13:10</p> <p>5 MS. LUTZ: Let's take a break to figure 13:10</p> <p>6 out -- 13:10</p> <p>7 MR. FRANKLIN: We're like -- I have, like, 13:10</p> <p>8 45 minutes. 13:10</p> <p>9 MR. FIELDS: Oh, he said 15. 13:10</p> <p>10 Oh, 5-0, that's why I was freaking out. 13:10</p> <p>11 MS. LUTZ: I heard 15, too. 13:10</p> <p>12 All right. We're still on the record. 13:10</p> <p>13 MR. FIELDS: You're still okay now. 13:10</p> <p>14 THE VIDEOGRAPHER: You're at two hours and 13:10</p> <p>15 45 minutes. 13:10</p> <p>16 MR. DIEFFENBACH: So we have about 13:10</p> <p>17 45 minutes. 13:10</p> <p>18 BY MR. DIEFFENBACH: 13:10</p> <p>19 Q Do you plan to seek medical care for that 13:10</p> <p>20 now that you have insurance? 13:11</p> <p>21 A I am already seeking medical care for it. 13:11</p> <p>22 Q What kind of treatment? 13:11</p> <p>23 A I mentioned that to the previous attorney. 13:11</p> <p>24 Q Who is that, what's the doctor's name? 13:11</p> <p>25 A I said that I don't remember her exact 13:11</p> <p style="text-align: right;">Page 330</p>
<p>1 MR. FRANKLIN: Vague and ambiguous. 13:08</p> <p>2 THE WITNESS: I -- he -- the way that he 13:08</p> <p>3 injured me mentally has had repercussions that I 13:08</p> <p>4 have not described. 13:08</p> <p>5 BY MR. DIEFFENBACH: 13:08</p> <p>6 Q Tell me about that. 13:08</p> <p>7 A The way that, you know, through his 13:08</p> <p>8 behavior of being incredibly hostile and 13:09</p> <p>9 intimidating and frightening, he's evoked a lot of 13:09</p> <p>10 fear in me, you know. Obviously, the incident on 13:09</p> <p>11 February 13th was extremely traumatic and, you know, 13:09</p> <p>12 it's caused me loss of sleep, it's caused me to be 13:09</p> <p>13 very fearful. It's had on -- you know, a lot of 13:09</p> <p>14 effects on me and I definitely attribute him to 13:09</p> <p>15 that. 13:09</p> <p>16 And, you know, constantly feeling 13:09</p> <p>17 threatened by him and feeling as though anything can 13:09</p> <p>18 happen and feeling harassed and feeling like I just 13:09</p> <p>19 can't enjoy this beach even though it's public for 13:09</p> <p>20 everyone. All of his actions has had an effect on 13:09</p> <p>21 me mentally. 13:09</p> <p>22 Q Did you ever seek medical care for that? 13:09</p> <p>23 A I wanted to see a specialist and, you 13:09</p> <p>24 know, have someone help me, but unfortunately I 13:10</p> <p>25 couldn't afford it at the time. 13:10</p> <p style="text-align: right;">Page 329</p>	<p>1 name, she's at UCLA, the other lady I was speaking 13:11</p> <p>2 to. 13:11</p> <p>3 Q Okay. I'm going to leave a blank in the 13:11</p> <p>4 deposition, and if you could put that name in when 13:11</p> <p>5 you review it, that would be helpful if your counsel 13:11</p> <p>6 will permit. 13:11</p> <p>7 (Information requested: _____ 13:11</p> <p>8 _____ 13:11</p> <p>9 _____ 13:11</p> <p>10 _____.) 13:11</p> <p>11 BY MR. DIEFFENBACH: 13:11</p> <p>12 Q Did you ever see Mr. Blakeman use a gun on 13:11</p> <p>13 the -- Lunada Bay or otherwise? 13:11</p> <p>14 A I did not see him use a gun. 13:11</p> <p>15 Q Did you ever see him with a gun? 13:11</p> <p>16 A I didn't see him with a gun. 13:11</p> <p>17 Q Did you ever see him using drugs at -- 13:11</p> <p>18 anywhere? 13:11</p> <p>19 A Is alcohol defined as a drug? 13:11</p> <p>20 Q Let's separate out alcohol, you've told us 13:11</p> <p>21 about beer. 13:11</p> <p>22 What about any other drugs? 13:11</p> <p>23 A I seen him using alcohol. As far as like 13:11</p> <p>24 other drugs, I'm not -- I don't think so. 13:12</p> <p>25 Q Did you ever actually try to surf at 13:12</p> <p style="text-align: right;">Page 331</p>

1 Lunada Bay? 13:12	1 A Well, the answer is that there were a lot 13:14
2 A Yes, I tried to surf at Lunada Bay on 13:12	2 of days -- I mean, the 29th, it's very close to the 13:14
3 January 29, 2016. 13:12	3 1st, so as you can see that would have meant I would 13:14
4 Q Okay. And did you have your board with 13:12	4 have wanted to surf on the 30th and 31st because on 13:14
5 you at the time? 13:12	5 the 1st I broke my arm, so -- I would love to surf 13:14
6 A Yes, I did. 13:12	6 at Lunada Bay all the time. I mean, I wish I could 13:14
7 Q At the bluffs, did you take your board 13:12	7 go there as much as I go to other spots. It's a 13:14
8 down -- down to the bay to surf? 13:12	8 great wave and there's, you know, been a ton of 13:14
9 A Yes, I did, on January 29th. 13:12	9 times I wish I could have gone there, but just been 13:14
10 Q What size of a board was it? 13:12	10 too scared to because scared of being harassed. 13:14
11 A I don't remember specifically. Somewhere 13:12	11 Q The kind of break that's at Lunada, what's 13:14
12 upwards of six feet, no more than eight. 13:12	12 that called? 13:14
13 Q And you were prevented from surfing that 13:12	13 MR. FRANKLIN: Vague, ambiguous. 13:14
14 day? 13:12	14 THE WITNESS: I don't know. 13:14
15 A That's the day that the police report was 13:12	15 BY MR. DIEFFENBACH: 13:14
16 filed due to harassment. But I can describe the day 13:12	16 Q You said you spoke earlier about a beach 13:14
17 for you if you'd like. 13:12	17 break, is it a beach break? 13:14
18 Q We've been through that. 13:12	18 MR. FRANKLIN: Vague, ambiguous, misstates 13:14
19 What about on February the 13th you were 13:13	19 prior testimony. 13:15
20 with Jordan Wright that day? 13:13	20 THE WITNESS: I think that Lunada Bay has 13:15
21 A Yes. 13:13	21 a lot of different breaks inside of the bay and I 13:15
22 Q And he surfed that day? 13:13	22 think that they all have different names. 13:15
23 A Yes, he did. 13:13	23 BY MR. DIEFFENBACH: 13:15
24 Q Was there ever a day that you can recall 13:13	24 Q Are you familiar with any of their names? 13:15
25 that he went there to surf and he did not surf? 13:13	25 A I don't know what the locals call them. 13:15
Page 332	Page 334
1 MR. FRANKLIN: Vague, ambiguous, lacks 13:13	1 Q Is there something that you call them? 13:15
2 foundation. 13:13	2 A I just call it Lunada Bay but I'm not 13:15
3 THE WITNESS: I remember that he didn't 13:13	3 familiar with all the little names. I know that 13:15
4 surf on January 29th when we went there together 13:13	4 they exist but I would have to ask my friends, I 13:15
5 because we went up to the top of the hill to file 13:13	5 just don't remember at this time. 13:15
6 the police report. 13:13	6 But I know that you can surf on the left 13:15
7 BY MR. DIEFFENBACH: 13:13	7 side, you can surf in the middle, you can surf on 13:15
8 Q Any other days that he was there that you 13:13	8 the inside, you can surf on the outside when it's 13:15
9 were there that he wanted to surf and he did not 13:13	9 really big. Apparently, it's really good. I know 13:15
10 surf? 13:13	10 most of the locals, you know, sit kind of on the 13:15
11 A I don't remember. 13:13	11 shoulder when it's bigger on the -- because, I don't 13:15
12 Q Okay. Other than the 29th of January, 13:13	12 know, that's where they like to sit. I know it 13:15
13 were there any other days that you wanted to surf 13:13	13 breaks all over, different spots, depending on the 13:15
14 but did not surf at Lunada Bay? 13:13	14 swell. 13:15
15 MR. FRANKLIN: Vague, ambiguous. 13:13	15 Q Is there any type of break that's more 13:15
16 THE WITNESS: There were many days that I 13:13	16 dangerous like a reef break versus a beach break in 13:16
17 wanted to surf but I did not surf, I had a broken 13:13	17 your experience? 13:16
18 arm so I couldn't surf. 13:13	18 MR. FRANKLIN: Vague, ambiguous. 13:16
19 BY MR. DIEFFENBACH: 13:13	19 THE WITNESS: In my experience they're all 13:16
20 Q Except for those days after you broke your 13:13	20 equally dangerous in different ways. A beach break 13:16
21 arm, was there any days since the 29th of January 13:13	21 can be just as dangerous as a point break there's a 13:16
22 that you went to Lunada Bay with the intention of 13:13	22 number of factors including the size of the swell, 13:16
23 surfing but were not able to surf? 13:14	23 so. 13:16
24 A I broke my arm on February 1st. 13:14	24 BY MR. DIEFFENBACH: 13:16
25 Q So the answer is "no"? 13:14	25 Q Is there a point break at Lunada Bay? 13:16
Page 333	Page 335

1	A	I think so.	13:16	1	A	I currently have Sprint as well but the	13:18
2	Q	Is there anything about the configuration	13:16	2		previous contract was in my husband's name.	13:18
3		of Lunada Bay that you're aware of that makes	13:16	3	Q	And that's Gabriel?	13:18
4		Lunada Bay more dangerous than other surf breaks	13:16	4	A	Yes.	13:18
5		that you've surfed?	13:16	5	Q	Reed?	13:18
6	MR. FRANKLIN:	Vague, ambiguous.	13:16	6	A	Yes.	13:18
7	THE WITNESS:	I don't know, I mean,	13:16	7	Q	Was it under that name or a company name?	13:18
8		they're all different.	13:16	8	A	I think it was under his first name, I'm	13:18
9	BY MR. DIEFFENBACH:		13:16	9		not sure, I never paid the bill so I'm not sure.	13:18
10	Q	Nothing that sticks out for you like the	13:16	10	Q	And that phone number that you gave	13:18
11		fact that it's very rocky or shallow?	13:16	11		earlier, that was the phone number for that phone?	13:18
12	MR. FRANKLIN:	Vague, ambiguous.	13:16	12	A	Yes, that was my old phone number.	13:18
13	THE WITNESS:	I've surfed a lot of places	13:16	13	Q	And your current phone number?	13:18
14		that are rocky and shallow and they're all different	13:16	14	A	(310) 579-5683.	13:18
15		in their own ways, so it's hard for me to say. I	13:16	15	Q	That's with Sprint also; right?	13:18
16		know that the locals make it dangerous by, you know,	13:17	16	A	Yes.	13:18
17		spearing their boards at you and using them as	13:17	17		Regarding the instances in the fort on	13:19
18		weapons.	13:17	18		February 13th.	13:19
19	BY MR. DIEFFENBACH:		13:17	19	Q	Yes.	13:19
20	Q	Has that that happened to you? Did you	13:17	20	A	I don't remember specifically where	13:19
21		get speared?	13:17	21		Mr. Blakeman was when Mr. Johnston exposed himself	13:19
22	A	That's not happened to me, but that's	13:17	22		to me, I don't remember if he was on the roof at the	13:19
23		things that I've heard in the surf community.	13:17	23		time or if he was, you know, or if he was closer to	13:19
24	Q	Never happened to you?	13:17	24		me, but I forgot to mention that part.	13:19
25	A	It never happened to me because I never	13:17	25	Q	All right. When you gave us your Gmail	13:20
Page 336				Page 338			
1		got the opportunity to surf there, so I don't have	13:17	1		accounts, was it Diana Milena Gabrielle at Gmail.com	13:20
2		any experience in the water there.	13:17	2		was one of them, how is Gabrielle spelled?	13:20
3	Q	So you're just telling us what other	13:17	3	A	It's spelled with two Ls and an E on the	13:20
4		people have told you; right?	13:17	4		end.	13:20
5	A	Yes.	13:17	5	Q	G-a-b-r-i-e-l-l-e?	13:20
6	MR. FRANKLIN:	Argumentative.	13:17	6	A	Yes.	13:20
7	THE WITNESS:	I'm telling you what I've	13:17	7	Q	Thank you. When you -- what you described	13:20
8		heard.	13:17	8		as Mr. Johnston exposing himself, are you aware	13:20
9	BY MR. DIEFFENBACH:		13:17	9		whether that was something that was filmed by	13:20
10	Q	Your cell phone was thrown in the ocean by	13:17	10		Mr. Blakeman?	13:20
11		your soon-to-be ex-husband?	13:17	11	A	I don't know if it was filmed or not.	13:20
12	A	Yes, it was.	13:17	12		Because like I said, I don't remember if	13:20
13	Q	What type of phone was it?	13:17	13		Mr. Blakeman was filming at that point, I just don't	13:20
14	A	It was an iPhone.	13:17	14		remember his positioning.	13:20
15	Q	Do you download things to the cloud	13:17	15	Q	Mr. Cummings, Nurnur Cummings, when did	13:20
16		through your iPhones?	13:17	16		you have the conversation with him about making a	13:20
17	A	I try to. I'm not always very good at it.	13:17	17		documentary or that might be a good idea or cool	13:20
18	Q	Was the phone that was thrown in the ocean	13:17	18		idea, whatever was said?	13:20
19		a phone that was hooked up to the cloud?	13:17	19	MR. FRANKLIN:	Objection, misstates prior	13:20
20	A	I wasn't able to back up that information	13:17	20		testimony.	13:20
21		unfortunately.	13:18	21	THE WITNESS:	I spoke to him about the	13:20
22	Q	Who was the cell phone provider for that	13:18	22		article that came out on February 13th, and he	13:21
23		phone?	13:18	23		mentioned to me that making a documentary about	13:21
24	A	I believe it was Sprint.	13:18	24		Lunada Bay would be a really great idea.	13:21
25	Q	Is that your current provider?	13:18	25	///		
Page 337				Page 339			

<p>1 BY MR. DIEFFENBACH: 13:21</p> <p>2 Q So that was the first time, February 13th, 13:21</p> <p>3 or was it after that? 13:21</p> <p>4 A I don't remember exactly when I spoke to 13:21</p> <p>5 him. I know it was after the article came out, but 13:21</p> <p>6 I can't pinpoint to a specific date. 13:21</p> <p>7 Q The article came out on February 14th, I 13:21</p> <p>8 guess, because the incident happened on the 13th? 13:21</p> <p>9 A No, it came out on the 13th. 13:21</p> <p>10 Q Did it? 13:21</p> <p>11 A That's why they were pretending to 13:21</p> <p>12 celebrate. I believe the online version and the 13:21</p> <p>13 print version came out on different dates, but the 13:21</p> <p>14 print version came out on that Saturday and it was 13:21</p> <p>15 on everyone's door step. 13:21</p> <p>16 Q When you had this conversation with 13:21</p> <p>17 Mr. Cummings, you were no longer a tenant of his and 13:22</p> <p>18 your husband was no longer a tenant of his? 13:22</p> <p>19 A My husband and I were separated at that 13:22</p> <p>20 time. We weren't living together. 13:22</p> <p>21 Q Was your husband still his tenant? 13:22</p> <p>22 A My husband was never his tenant. 13:22</p> <p>23 Q Were you his tenant? 13:22</p> <p>24 A I was never his tenant. 13:22</p> <p>25 Q He's just a landlord but not your 13:22</p> <p style="text-align: right;">Page 340</p>	<p>1 A I don't. 13:23</p> <p>2 Q Just a couple of follow-ups here. 13:23</p> <p>3 THE VIDEOGRAPHER: You have approximately 13:23</p> <p>4 33 minutes. 13:23</p> <p>5 BY MR. DIEFFENBACH: 13:23</p> <p>6 Q The name of your husband's company is Rock 13:23</p> <p>7 and Roll All Star sponsoring company -- what's the 13:23</p> <p>8 name of his company? 13:23</p> <p>9 A Oh, the name of his company to the best of 13:23</p> <p>10 my knowledge, I don't know if he did the Rock and 13:23</p> <p>11 Roll All Stars under that company or not, but it's 13:23</p> <p>12 Gabe Reed Productions. But as to, you know, the 13:23</p> <p>13 business structure of how he did that, I don't know; 13:23</p> <p>14 I don't know if he used that company or something 13:24</p> <p>15 else. 13:24</p> <p>16 Q You mentioned yesterday that you had a 13:24</p> <p>17 surfing coach that took you to secret spots in 13:24</p> <p>18 Santa Cruz, who was that coach? 13:24</p> <p>19 A Tyler Fox. 13:24</p> <p>20 Q Are you still coached by him? 13:24</p> <p>21 A Well, I'm not surfing right now because 13:24</p> <p>22 I'm nine months pregnant. So I'm not currently 13:24</p> <p>23 being coached by him. 13:24</p> <p>24 Q Okay. Where is he located? 13:24</p> <p>25 A He's located in Santa Cruz. 13:24</p> <p style="text-align: right;">Page 342</p>
<p>1 landlord? 13:22</p> <p>2 A He's not my landlord. 13:22</p> <p>3 Q Maybe I misunderstood. Had he been your 13:22</p> <p>4 landlord before? 13:22</p> <p>5 A No, he was never my landlord. 13:22</p> <p>6 Q He had been your husband's landlord 13:22</p> <p>7 before? 13:22</p> <p>8 A No. 13:22</p> <p>9 MS. HEWITT: Jordan's. 13:22</p> <p>10 BY MR. DIEFFENBACH: 13:22</p> <p>11 Q I'm sorry, Jordan's landlord? 13:22</p> <p>12 A Right. 13:22</p> <p>13 Q At the time you had that conversation with 13:22</p> <p>14 Mr. Cummings, was he Jordan's landlord still? 13:22</p> <p>15 A Yes. 13:22</p> <p>16 Q Is he still Jordan's landlord? 13:22</p> <p>17 A No. 13:22</p> <p>18 Q When did that end? 13:22</p> <p>19 A I don't remember exactly, I don't know. 13:22</p> <p>20 Q What was Jordan's -- where did he live 13:22</p> <p>21 when he was Mr. Cummings's tenant? 13:23</p> <p>22 A In Venice, California. 13:23</p> <p>23 Q Do you remember the address? 13:23</p> <p>24 A I don't unfortunately, no. 13:23</p> <p>25 Q Do you remember the street? 13:23</p> <p style="text-align: right;">Page 341</p>	<p>1 Q It's F-a-l-k? Spelled F-a-l-k, Falk? 13:24</p> <p>2 A No, Fox, like the animal fox, F-o-x. 13:24</p> <p>3 Yeah, Tyler Fox, he got fourth place in Mavericks, I 13:24</p> <p>4 believe, this year. 13:24</p> <p>5 MR. DIEFFENBACH: Thanks. That's all I 13:24</p> <p>6 have, thanks. 13:24</p> <p>7 MR. FIELDS: Briefly. 13:24</p> <p>8 Off the record. 13:25</p> <p>9 THE VIDEOGRAPHER: We are now off the 13:25</p> <p>10 record. The time is 1:25 p.m. 13:25</p> <p>11 (Break taken.) 13:30</p> <p>12 THE VIDEOGRAPHER: We're now back on the 13:32</p> <p>13 record. The time is 1:32 p.m. 13:32</p> <p>14 13:32</p> <p>15 EXAMINATION 13:32</p> <p>16 BY MR. FIELDS: 13:32</p> <p>17 Q Good afternoon, Ms. Reed, you realize 13:32</p> <p>18 you're still under oath? 13:32</p> <p>19 A Yes. 13:32</p> <p>20 Q Have you ever met Angelo Ferrara? 13:32</p> <p>21 A I don't recall if I've met him. And, 13:32</p> <p>22 again, I'm not sure what you mean by "meet," do you 13:32</p> <p>23 mean by seeing him? 13:32</p> <p>24 Q Let's start with that, have you ever seen 13:32</p> <p>25 him? 13:32</p> <p style="text-align: right;">Page 343</p>

1	A	I'm not sure if I've seen him or not.	13:32
2	Q	If you were to walk into the room, would	13:32
3		you recognize him?	13:32
4	A	Yeah, I know what he looks like.	13:32
5	Q	What does he look like?	13:32
6	A	An older man, middle-aged man, not very	13:32
7		distinguishable, grayish hair.	13:32
8	Q	Any sense of his height?	13:32
9	A	I don't know his height.	13:32
10	Q	Do you know whether he's closer to 5-5 or	13:32
11		6-5?	13:32
12	A	I would assume that he's probably closer	13:32
13		to like 5-10 -- not 5-10, but 5-11 to six-foot, I'm	13:33
14		not sure, that's a guess.	13:33
15	Q	How do you know that anyone that you've	13:33
16		seen is Angelo Ferrara; has he ever introduced	13:33
17		himself to you?	13:33
18	A	He has not introduced himself to me.	13:33
19	Q	Has anyone pointed him out and said,	13:33
20		That's Angelo Ferrara?	13:33
21	A	I don't recall anyone doing that.	13:33
22	Q	So what makes you think that if someone	13:33
23		walked in the door you would know whether he'd be	13:33
24		Angelo Ferrara versus any other member of the human	13:33
25		race?	13:33
Page 344			
1	A	I don't know, I would do my best.	13:33
2	Q	Have you ever -- have you ever personally	13:33
3		been harassed by in any manner by Angelo Ferrara?	13:33
4	A	I don't think I've had any personal	13:33
5		interactions with him that I know of.	13:33
6	Q	Have you ever heard of -- has anyone told	13:33
7		you that they either have been harassed by	13:33
8		Angelo Ferrara or have known of situations where	13:33
9		Angelo Ferrara harassed anybody?	13:34
10		MR. FRANKLIN: Vague, ambiguous.	13:34
11		THE WITNESS: I've heard various things in	13:34
12		the surf community. You know, I've also relied on	13:34
13		the investigation of my attorneys.	13:34
14		BY MR. FIELDS:	13:34
15	Q	Other than what your attorneys have told	13:34
16		you, what have you heard in the surf community about	13:34
17		what Angelo Ferrara may have done whether it's	13:34
18		harassing or assault or any type of the wrongful	13:34
19		acts alleged in the complaint?	13:34
20	A	I mean, I've talked to Charlie Ferrara and	13:34
21		I've had several conversations with him. Charlie	13:34
22		told me that the harassment has been continuing for	13:34
23		a very long time. He told me that -- that Angelo	13:34
24		and his brother were some of the original Bay Boys	13:34
25		and that they're all a family and that they're all,	13:34
Page 345			
1		you know, an organized family that tries to harass	13:35
2		outsiders by making their surf experience	13:35
3		unpleasant.	13:35
4	Q	Did he use Angelo's name?	13:35
5	A	I believe so. I believe that he used his	13:35
6		parents names -- his parents and uncle's name.	13:35
7	Q	Other than what Charlie Ferrara told you,	13:35
8		anyone else tell you anything about Angelo Ferrara	13:35
9		doing anything improper?	13:35
10	A	I've heard stuff from Chris Taloa, and	13:35
11		like I said I've heard various things in the surf	13:35
12		community from various people that I -- I can't	13:35
13		recall their names.	13:35
14	Q	What did Chris Taloa tell you about	13:35
15		Angelo Ferrara?	13:35
16	A	I don't specifically remember what he told	13:35
17		me. I do remember that -- that he told me he's part	13:35
18		of the Bay Boys and that he's one of the main people	13:36
19		that organizes the harassment and threats and	13:36
20		violence that goes on there.	13:36
21	Q	So Chris Taloa told you that	13:36
22		Angelo Ferrara is one of the main people who	13:36
23		organizes the threats and harassment?	13:36
24	A	He said something along those lines.	13:36
25	Q	Do you recall anything -- any more detail	13:36
Page 346			
1		than that?	13:36
2	A	You know, I don't recall at this time any	13:36
3		more detail because I don't think I've had any	13:36
4		personal interaction with him.	13:36
5	Q	Other than Charlie -- Mr. Taloa, anyone	13:36
6		else mention Angelo's name to you?	13:36
7		MR. FRANKLIN: Vague and ambiguous.	13:36
8		THE WITNESS: Like I said, I've heard	13:36
9		various stories about him in the surf community and	13:36
10		I've relied upon the investigation of my attorneys.	13:36
11		BY MR. FIELDS:	13:36
12	Q	What stories did you hear about Angelo in	13:36
13		the surf community?	13:36
14	A	It's hard for me to really remember, but	13:36
15		I've heard that he's part of the Bay Boys and that	13:37
16		he helps to organize the violence and the threats	13:37
17		and the intimidation that go on down there.	13:37
18	Q	Do you recall anyone, the names of anyone	13:37
19		who said that to you --	13:37
20	A	No --	13:37
21	Q	-- besides Mr. Taloa?	13:37
22	A	(Shakes head).	13:37
23	Q	How about NF -- actually, can we just	13:37
24		strike that, make it NF.	13:37
25		Do you know who I mean by "NF"?	13:37
Page 347			

1	A	NF?	13:37	1	Q	With the Rock and Roll All Star Tour of	13:39
2	Q	Move to strike that. We'll use -- I would	13:37	2		South America, did you have any official capacity?	13:39
3	ask --		13:37	3	A	I photographed the tour for my then	13:40
4		MR. FRANKLIN: If she axe MOK (phonetic) I	13:37	4	husband.		13:40
5	think probably everybody here in terms of that		13:37	5	Q	Were you an official photographer?	13:40
6	particular name, NF, being --		13:37	6	A	You can call me that.	13:40
7	MR. FIELDS: Have that stricken and put		13:37	7	Q	Have you ever done a documentary called	13:40
8	"NF" in the transcript.		13:37	8	Keepers of Light?		13:40
9	MR. FRANKLIN: So stipulated. We were not		13:37	9	A	Yes.	13:40
10	supposed to use his name because he's a minor.		13:37	10	Q	Did it win any awards?	13:40
11	MS. HEWITT: So stipulated.		13:37	11	A	It did. That was my first -- my first	13:40
12	BY MR. FIELDS:		13:38	12		documentary that I made when I was -- I think I was	13:40
13	Q	So, NF, have you had any personal	13:38	13		16 or 17 in high school.	13:40
14	interactions with NF?		13:38	14	Q	Did it win any national or	13:40
15	A	I don't know if I have or I haven't, I	13:38	15	international -- did it win any awards at national		13:40
16	don't think so.		13:38	16	or international film festivals?		13:40
17	Q	Sorry?	13:38	17	A	I think so, I remember it won a bunch of	13:40
18	A	What does he look like?	13:38	18		stuff and I was pretty happy at the time.	13:40
19	Q	I really don't want to answer.	13:38	19	Q	Do you recall what festivals?	13:40
20	A	Okay.	13:38	20	A	I don't remember, it was such a long time	13:40
21	Q	He's a minor.	13:38	21		ago, it would be hard for me to remember.	13:40
22	A	Right. I don't think I've had anyone --	13:38	22	MR. FIELDS: No further questions, thank		13:40
23	interactions with anyone in that age group.		13:38	23	you.		13:40
24	Q	Have you heard of anyone -- has anyone	13:38	24	THE WITNESS: Thank you.		13:40
25	discussed NF with you, besides your lawyers?		13:38	25			13:40
Page 348				Page 350			
1	A	My attorneys, I believe, there's some	13:38	1		EXAMINATION	13:40
2	press about him.		13:38	2	BY MR. CAREY:		13:40
3	Q	Have you discussed NF with anybody?	13:38	3	Q	Hi.	13:40
4	A	I've discussed him with my attorneys. If	13:38	4	A	Hi.	13:41
5	I'm thinking of the correct person that, you know,		13:38	5	THE VIDEOGRAPHER: Could you clip it on?		13:41
6	that there's press articles about. I discussed that		13:38	6	MR. CAREY: Sure.		13:41
7	with Jordan.		13:38	7	BY MR. CAREY:		13:41
8	Q	Did Jordan have any personal knowledge	13:39	8	Q	Almost done.	13:41
9	with, in fact, or did he read the same articles that		13:39	9		My name is Pat Carey, I represent Alan	13:41
10	you read?		13:39	10		Johnston, or Jalian as you referred to him.	13:41
11	A	No, he just read the same articles as me.	13:39	11		Prior to February 13th, the date that	13:41
12	Chris Taloa also sent me a text message at one		13:39	12		we've talked about a lot, have you personally seen	13:41
13	point -- or Jordan forwarded me a text that Chris		13:39	13		Mr. Johnston at Lunada Bay?	13:41
14	sent him and I believe that text is included in the		13:39	14	A	I don't remember seeing him there before,	13:41
15	police report and I don't know if it mentions NF in		13:39	15	no.		13:41
16	it or not, but I know that it mentions the Ferrara		13:39	16	Q	So on January 29th, the incident we've	13:41
17	family.		13:39	17		also discussed, to your memory, Mr. Johnston was not	13:41
18	Q	Are you a member of SAG?	13:39	18		there; correct?	13:41
19	A	I'm not a member of SAG.	13:39	19	A	I don't remember seeing him there.	13:41
20	Q	Are you member of AFTRA?	13:39	20	Q	The January 29th video -- strike that.	13:41
21	A	No.	13:39	21		You've given us a video of that incident;	13:41
22	Q	Have you prepared any type of scripts or	13:39	22		correct, January 29th?	13:41
23	treatments or outlines with respect to the potential		13:39	23	A	I don't know who provided the video.	13:41
24	documentary about the Lunada Bay Boys?		13:39	24	Q	Are you aware that there's a video of that	13:41
25	A	I have not, no.	13:39	25		incident?	13:41
Page 349				Page 351			

<p>1 A Yes, I've seen the video, I'm aware of the 13:42 2 video. 13:42 3 Q And your boyfriend recorded that video; 13:42 4 correct? 13:42 5 A Jordan Wright recorded it, yes. 13:42 6 Q Did you know he had a camera when going 13:42 7 down the cliff prior to interacting with whoever is 13:42 8 shown on the video? 13:42 9 A Did I know that Jordan had a camera? 13:42 10 Q Yes. 13:42 11 A Yes, Jordan had a GoPro, and I believe it 13:42 12 was mounted on him. 13:42 13 Q And the purpose was to hopefully catch 13:42 14 someone harassing either you or Jordan; correct? 13:42 15 MR. FRANKLIN: Vague, ambiguous. 13:42 16 THE WITNESS: No, that's not correct. 13:42 17 Jordan likes to film himself surfing so the purpose 13:42 18 was to surf and Jordan said it's also for safety 13:42 19 because he had been harassed in the past. 13:42 20 BY MR. CAREY: 13:42 21 Q Sure. 13:42 22 So the camera was on prior to him going in 13:42 23 the water; correct? 13:42 24 A The camera was on prior to him going into 13:42 25 the water, but I don't know at what point it was 13:42 Page 352</p>	<p>1 A That I don't know what? 13:43 2 Q Do you have personal knowledge of who that 13:43 3 is? 13:43 4 A I discussed with my attorneys as to who it 13:44 5 is. 13:44 6 Q Okay. And is the incident where you 13:44 7 allege that you were called a whore, is that shown 13:44 8 on that video? 13:44 9 A It is, yeah. 13:44 10 Q So, so it's -- there's an individual that 13:44 11 appears to be in the foreground of the video that's 13:44 12 yelling towards yourself and Jordan; correct? 13:44 13 A There is, yes. 13:44 14 Q And do you recall exactly what that 13:44 15 individual said? 13:44 16 A Well, the video doesn't show the entire 13:44 17 incident. But what the video does show, I mean, it 13:44 18 does sound like he's saying "whore" in the video. 13:44 19 Q And is that -- that part where you said it 13:44 20 sounds like he's saying "whore," is that the exact 13:44 21 time where you're alleging he called you a whore, or 13:44 22 was there another time? 13:44 23 A I don't know if there was more than one 13:45 24 time. 13:45 25 Q But that's the time where you said it 13:45 Page 354</p>
<p>1 turned on. 13:42 2 Q So, the partial purpose at least was to 13:42 3 hopefully catch people harassing on camera; correct? 13:43 4 MR. FRANKLIN: Vague -- 13:43 5 THE WITNESS: No. 13:43 6 MR. FRANKLIN: -- ambiguous, misstates 13:43 7 prior testimony. 13:43 8 THE VIDEOGRAPHER: 20 minutes. 13:43 9 THE WITNESS: No, the purpose was to 13:43 10 maintain safety in addition to recording waves. 13:43 11 BY MR. CAREY: 13:43 12 Q The -- 13:43 13 A I don't think anyone wants to be harassed, 13:43 14 purposefully. I definitely don't. 13:43 15 Q Can you recall that video in your mind 13:43 16 right now? I don't want to show it to you; can you 13:43 17 recall that video? 13:43 18 A I looked at it once in preparation, I 13:43 19 don't have it memorized. 13:43 20 Q Do you know who the individual is in that 13:43 21 video that appears to be talking to you and Jordan? 13:43 22 A That's something that I discussed with my 13:43 23 attorneys. 13:43 24 Q Sure. So you don't personally know; is 13:43 25 that what you're saying? 13:43 Page 353</p>	<p>1 sounds like he's calling you a whore, that's the 13:45 2 time that you're testifying that you were called a 13:45 3 whore; correct? 13:45 4 MR. FRANKLIN: Misstates prior testimony. 13:45 5 THE WITNESS: That's not what I'm saying. 13:45 6 But it does sound like that's what he's saying in 13:45 7 the video. 13:45 8 BY MR. CAREY: 13:45 9 Q Is there another time other than that time 13:45 10 in the video that you were called a whore? 13:45 11 A I don't remember exactly. 13:45 12 Q Going to February 13th, what was your 13:45 13 purpose for going to Lunada Bay -- I'm sorry -- what 13:45 14 was your -- what was your purpose for going to 13:45 15 Lunada Bay on February 13th? 13:45 16 A My purpose on February 13th was to take 13:45 17 pictures, maybe video of my friend, but mostly just 13:45 18 photos. 13:45 19 Q That was your sole purpose to go there? 13:45 20 A Yes. 13:46 21 Q And it had nothing to do -- your trip to 13:46 22 Lunada Bay had nothing to do with the fact that the 13:46 23 L.A. Times article was released that morning? 13:46 24 A I didn't know it was released that 13:46 25 morning. 13:46 Page 355</p>

<p>1 Q Okay. You said that it had actually been 13:46 2 released on the Internet the night before, do you 13:46 3 recall saying that? 13:46 4 A It may have been, the online version, 13:46 5 yeah, I don't know if it was the night before or 13:46 6 after, but I remember it was at different times, 13:46 7 hmm-mm. 13:46 8 Q Do you recall seeing the online version 13:46 9 prior to the print version; correct? 13:46 10 MR. FRANKLIN: Misstates prior testimony. 13:46 11 THE WITNESS: No, I don't remember if I 13:46 12 read the article before I read the print version, 13:46 13 I'm not sure. 13:46 14 BY MR. CAREY: 13:46 15 Q What time did you and Jordan go on 13:46 16 February 13th? 13:46 17 A I don't know the exact time, but I 13:46 18 remember it was already daylight out. It would come 13:46 19 morning and it was already daylight. 13:46 20 Q Did you ever communicate with Jordan or 13:46 21 anyone else about any other motive as to why to go 13:46 22 to Lunada Bay that day? 13:46 23 MR. FRANKLIN: Vague, ambiguous. 13:47 24 THE WITNESS: I'm not sure what you're 13:47 25 asking me. 13:47 Page 356</p>	<p>1 A Not that I know of, no. 13:48 2 THE VIDEOGRAPHER: 15 minutes. 13:48 3 MR. CAREY: I'll move quick. 13:48 4 BY MR. CAREY: 13:48 5 Q And how about any communication with 13:48 6 Chris Taloa as to why you should go to Lunada Bay on 13:48 7 February 13th? 13:48 8 A I don't think I had any direct 13:48 9 communication with him at that point. 13:48 10 Q "Him" meaning Chris Taloa? 13:48 11 A Yes. 13:48 12 Q Okay. Now, the -- we've questioned you a 13:48 13 lot -- or they've questioned you a lot about the 13:48 14 exact details, I'm not going to go through that all 13:48 15 over again in the interest of time. I do want to 13:48 16 ask about you some specifics. 13:48 17 A Okay. 13:48 18 Q You just stated at the end of your 13:48 19 questioning with prior counsel for the first time 13:48 20 that my client exposed himself to you during that 13:48 21 incident. Describe exactly what happened. 13:48 22 A It's hard for me to remember all the 13:48 23 details but what I do remember is that while he had 13:48 24 a towel on himself there was a moment when it seemed 13:48 25 that he intentionally exposed his penis to me while 13:49 Page 358</p>
<p>1 BY MR. CAREY: 13:47 2 Q Sure. 13:47 3 You said your purpose was to take photos 13:47 4 or videos; correct? 13:47 5 A I couldn't surf because I broke my arm. 13:47 6 Q So try to follow me, your purpose, as you 13:47 7 said, was to take photos or videos; correct? 13:47 8 MR. FRANKLIN: Vague, ambiguous. 13:47 9 THE WITNESS: No, I think that maybe you 13:47 10 have the wrong understanding. 13:47 11 BY MR. CAREY: 13:47 12 Q Help me out. 13:47 13 A Sure. 13:47 14 I know that Jordan was going to surf, I 13:47 15 couldn't surf with Jordan, and we spent all winter 13:47 16 surfing together. And since I wasn't able to surf, 13:47 17 I love watching all my friends surf, and so that was 13:47 18 why I went, was to take photos of him and I know 13:47 19 that his friends were there as well. But I don't 13:47 20 think I would have gone there if he wouldn't have 13:47 21 gone. 13:47 22 Q Is there any communication via text or 13:47 23 e-mail between you and Jordan expressing any other 13:47 24 motive as to why you should go to Lunada Bay on 13:47 25 February 13th? 13:48 Page 357</p>	<p>1 he was changing. 13:49 2 Q So he was changing into his wetsuit? 13:49 3 A He was in the process of doing that. 13:49 4 Q And he had a towel around his waist? 13:49 5 A I believe so; yes. 13:49 6 Q Have you changed in a wetsuit on a beach 13:49 7 before? 13:49 8 A I've changed many times. 13:49 9 Q What's the purpose of putting a towel 13:49 10 around you on the beach while changing into your 13:49 11 wetsuit? 13:49 12 A To cover yourself up. 13:49 13 Q The -- you said you believe that he 13:49 14 intentionally flashed himself at you -- I'm sorry I 13:49 15 used the word "flash" but you didn't use that word, 13:49 16 but can you describe exactly what you saw? 13:49 17 A I mean, I remember -- I think he was 13:49 18 facing me which is odd because usually when people 13:49 19 change in their wetsuits, they try to face away from 13:49 20 you. And, again, it seemed like it happened very 13:50 21 quickly and combined with, you know, the yelling and 13:50 22 the comments and the moaning, you know, I remember 13:50 23 there was a moment when he seemed like he 13:50 24 purposefully removed his towel in order to expose 13:50 25 himself. 13:50 Page 359</p>

<p>1 Q So he completely removed his towel is your 13:50 2 testimony? 13:50 3 A No, I'm not saying that. 13:50 4 Q Okay. So what specifically did he do to 13:50 5 expose himself if you can describe his action; 13:50 6 meaning, did he open the towel briefly and then 13:50 7 close it, what exactly happened? 13:50 8 A It's hard for me to remember but I do 13:50 9 remember, you know, his towel being open in a way 13:50 10 where I could see what was underneath. 13:50 11 Q In your experience, is that an unusual 13:50 12 occurrence for someone to be partially exposed while 13:50 13 changing into their wetsuit prior to surfing? 13:50 14 MR. FRANKLIN: Misstates testimony. 13:51 15 THE WITNESS: It's unusual for someone to 13:51 16 expose their penis while they're changing into a 13:51 17 wetsuit by opening their towel, yes. 13:51 18 BY MR. CAREY: 13:51 19 Q So you are saying that he opened his towel 13:51 20 to flash himself at you? 13:51 21 A There was a moment of time where his towel 13:51 22 appeared to be open and that's when I saw what I 13:51 23 saw. 13:51 24 Q The -- I want to ask you about the police 13:51 25 report. 13:51</p> <p style="text-align: right;">Page 360</p>	<p>1 BY MR. CAREY: 13:52 2 Q So I'll be clear. 13:52 3 Was there two incidents, one in which he 13:52 4 opened the can and sprayed you; two, he then poured 13:52 5 it on your arm and camera? 13:52 6 A From what I can recall, it was one 13:52 7 incident. 13:52 8 Q Okay. Just the spray, not actual pouring 13:52 9 of the beer? 13:52 10 MR. FRANKLIN: Misstates testimony. 13:52 11 THE WITNESS: You know, I remember the 13:52 12 spray, pouring all over my arm and the camera. 13:52 13 BY MR. CAREY: 13:52 14 Q Would you agree if a police officer said 13:52 15 that you told him that Mr. Johnston after the spray 13:52 16 poured the beer on your left arm and camera, that 13:53 17 that would be incorrect? 13:53 18 A I don't know. I don't remember. 13:53 19 THE VIDEOGRAPHER: Ten minutes. 13:53 20 MR. CAREY: I need two minutes, guys. 13:53 21 BY MR. CAREY: 13:53 22 Q Did you tell the police that Mr. Johnston 13:53 23 told you, "I saw you on the front page of the 13:53 24 L.A. Times, now you're done"? 13:53 25 A I may have said that. 13:53</p> <p style="text-align: right;">Page 362</p>
<p>1 And you stated previously you described it 13:51 2 the best you could at the time to the police 13:51 3 officer; correct? 13:51 4 A Yes. 13:51 5 Q I'm going to ask you about those specific 13:51 6 statements and I'll try to go through it quickly; 13:51 7 okay? 13:51 8 A Hmm-mm. 13:51 9 Q Did you state to the police officer that 13:51 10 Mr. Johnston shook up a beer can and opened it in 13:51 11 your face spraying you with its content? 13:51 12 MR. FRANKLIN: Document speaks for itself. 13:51 13 THE WITNESS: I said something like that, 13:51 14 I mean, I don't know if it was specific wording, 13:51 15 but... 13:52 16 BY MR. CAREY: 13:52 17 Q Did you then tell him that Mr. Johnston, 13:52 18 after that, then took the open beer and poured it on 13:52 19 your left arm and camera, did you tell him that that 13:52 20 happened? 13:52 21 MR. FRANKLIN: Document speaks for itself. 13:52 22 THE WITNESS: I would assume that I did. 13:52 23 I mean, I told him that he shook up the can of beer 13:52 24 in a way that sprayed my arm and the camera and that 13:52 25 it seemed intentional. 13:52</p> <p style="text-align: right;">Page 361</p>	<p>1 Q Did Mr. Johnston, in fact, say that? 13:53 2 A He may have. 13:53 3 Q Do you recall him saying that today? 13:53 4 A Today -- I mean, it's -- like I said, it's 13:53 5 hard for me to remember all the details today 13:53 6 because of everything I'm dealing with, but it 13:53 7 sounds familiar. 13:53 8 Q Okay. Did he make any other statements 13:53 9 that you can recall at this time, specific 13:54 10 statements, with regards to sexual behavior 13:54 11 activity? 13:54 12 MR. FRANKLIN: Vague, ambiguous. 13:54 13 THE WITNESS: In addition to the sounds 13:54 14 that he was making and the motions that he was 13:54 15 making? 13:54 16 BY MR. CAREY: 13:54 17 Q Correct, beyond what you've already told 13:54 18 us, not to repeat any of that, anything specific he 13:54 19 said to you with regard to sexual innuendo? 13:54 20 MR. FRANKLIN: Vague, ambiguous. 13:54 21 THE WITNESS: I mean, I remember him 13:54 22 saying that he's big enough to get the job done. 13:54 23 BY MR. CAREY: 13:54 24 Q Did you tell that to the police? 13:54 25 A I think so. 13:54</p> <p style="text-align: right;">Page 363</p>

1	Q	And --	13:54	1	from?	13:56
2	A	I mean, there's many things.	13:54	2	A	I've heard about him from various people
3	Q	Did you describe his penis to the police?	13:54	3		in the surf community. I don't remember all their
4	A	I think I did.	13:54	4		names.
5	Q	Did you describe it as white, three inches	13:54	5	Q	Do you remember any of their names?
6		in length, and flaccid?	13:54	6	A	I do remember hearing about him from
7	A	I think so, yes, hmm-mm.	13:54	7		Chris Taloa, I don't know whether or not Jordan told
8	Q	And are you aware -- so you're aware that	13:54	8		me about him.
9		Jen was present; correct?	13:55	9	Q	Have you seen defendant Sang Lee in
10	A	I'm aware that Jen was in the fort.	13:55	10		Lunada Bay?
11	Q	Are you aware that Jen's account of what	13:55	11	A	I don't know if I've personally seen him.
12		occurred is different from what your account of what	13:55	12	Q	Let me ask you this: Would you be able to
13		occurred is?	13:55	13		identify him if he came into the room right now?
14		MR. FRANKLIN: Lacks foundation.	13:55	14	A	I think so.
15		THE WITNESS: I'm not aware of what her	13:55	15	Q	How would you describe his physical
16		account is.	13:55	16		characteristics?
17	BY MR. CAREY:		13:55	17	A	Asian, thin, brown hair, brown eyes.
18	Q	You became aware that the district	13:55	18	Q	Did you see him at Lunada Bay on
19		attorney did not file charges against Mr. Johnston;	13:55	19		January 29, 2016?
20		correct?	13:55	20	A	I'm not sure if I saw him or not on the
21	A	Yes.	13:55	21		29th. I may have seen him in the fort but I'm not
22	MS. LUTZ:	Can we take a break? How much	13:55	22		sure. Far away.
23		time?	13:55	23	Q	You can't testify today that you saw him
24	MR. CAREY:	Sure.	13:55	24		in the fort on January 29, 2016; is that correct?
25	MS. LUTZ:	Off the record.	13:55	25	A	Yeah, I don't remember.
Page 364				Page 366		
1		THE VIDEOGRAPHER: We are now off the	13:55	1	Q	Did you see Sang Lee in Lunada Bay on, I
2		record. The time is 1:55 p.m.	13:55	2		think, February 5th or 6th 2016?
3		(A discussion was held off the record.)	13:56	3	A	No, I did not.
4		THE VIDEOGRAPHER: We're now on the	13:56	4	Q	Did you see Sang Lee in Lunada Bay on
5		record. The is 1:56 p.m.	13:56	5		February 13, 2016?
6			13:56	6	A	No, I did not.
7		EXAMINATION	13:56	7	Q	Has Sang Lee ever approached you?
8	BY MS. LUTZ:		13:56	8	A	I don't think so.
9	Q	Do you know defendant Sang Lee?	13:56	9	Q	Has Sang Lee ever made physical contact
10	A	I don't know him personally.	13:56	10		with you?
11	Q	Do you have personal knowledge of	13:56	11	A	I don't think so, no.
12		defendant Sang Lee?	13:56	12	Q	Have you ever personally felt physically
13	A	What do you mean by personal knowledge?	13:56	13		threatened by Sang Lee?
14	Q	Aside from what your attorney has told	13:56	14		MR. FRANKLIN: Objection, vague and
15		you, do you have personal knowledge of who Sang Lee	13:56	15		ambiguous.
16		is?	13:56	16		THE WITNESS: I haven't personally had any
17	MR. FRANKLIN:	Vague, ambiguous.	13:56	17		interaction with him that I know of, that I can
18	THE WITNESS:	I don't know what you mean	13:56	18		remember.
19		by personal knowledge.	13:56	19		THE VIDEOGRAPHER: Five minutes.
20	BY MS. LUTZ:		13:56	20	BY MS. LUTZ:	
21	Q	From any information aside from what your	13:56	21	Q	Has Sang Lee caused you to lose any sleep?
22		attorney has told you?	13:56	22	A	Not Sang Lee specifically.
23	A	I've heard about him from the surf	13:56	23	Q	You mentioned earlier that you knew Rory
24		community, from my friends.	13:56	24		Carroll and Noah Smith; is that correct?
25	Q	Who specifically have you heard about him	13:56	25	A	I know who they are and I have spoken to
Page 365				Page 367		

1 one of them. 13:58	1 Q To Michael Papayans, yes. 14:00
2 Q Which one? 13:58	2 A I couldn't really tell you. Between maybe 14:00
3 A I don't know; I'm sorry. But I have 13:58	3 two and three videos. 14:00
4 spoken to one of them. 13:58	4 Q And these are videos that Chris Taloa 14:00
5 Q Have either of them told you about 13:58	5 showed you? 14:00
6 interactions they had with Sang Lee? 13:59	6 A That he took, yes. 14:00
7 A Yeah. Actually, I think so, yes. 13:59	7 Q To your knowledge, does Chris Taloa still 14:00
8 Q What did they tell you? 13:59	8 have those videos? 14:00
9 A It's hard for me to remember. I think we 13:59	9 A I don't know if he still has them, I would 14:00
10 did talk a little bit about their experience there 13:59	10 assume he does. 14:01
11 when they were recording the video, but they were 13:59	11 Q When did you see these videos? 14:01
12 mostly interested in learning about what had 13:59	12 A It's hard for me to pinpoint an exact 14:01
13 happened to me, so. 13:59	13 time. I think -- yeah, I can't tell you, I'm sorry, 14:01
14 Q Did they mention Sang Lee specifically? 13:59	14 I don't know when I saw them. 14:01
15 A I couldn't tell you right now. 13:59	15 Q Do you know if you saw the videos before 14:01
16 Q Is it your testimony that you don't have a 13:59	16 your first visit to Lunada Bay or after? 14:01
17 recollection of whether or not either Rory Carroll 13:59	17 A No, I know it was after. 14:01
18 or Noah Smith mentioned Sang Lee specifically to 13:59	18 Q Okay. Now, so you do -- you are able to 14:01
19 you? 13:59	19 sort of put a face to the name of Michael Papayans, 14:01
20 A Yeah, I can't say one way or the other. 13:59	20 it's your understanding of what he looks like based 14:01
21 Q So that's a "no"? 13:59	21 on these videos; is that correct? 14:01
22 MR. FRANKLIN: Misstates the testimony. 13:59	22 A That's correct, yes. 14:01
23 THE WITNESS: I can't say "no," I can't 13:59	23 Q Do you know if you have ever personally 14:01
24 say "no" because we may have talked about that. 13:59	24 seen Michael Papayans at Lunada Bay when you were 14:01
25 ///	25 there? 14:01
Page 368	Page 370
1 BY MS. LUTZ: 13:59	1 A I don't remember personally seeing him 14:01
2 Q But you don't recall it as you sit here 13:59	2 myself. 14:01
3 today? 13:59	3 Q To your knowledge, did he have any 14:01
4 A Yes, I'm not -- I'm not exactly sure. 13:59	4 involvement with any of the incidents that you've 14:01
5 MS. LUTZ: Thank you, no further 13:59	5 described that you experienced at Lunada Bay? 14:01
6 questions. 13:59	6 MR. FRANKLIN: Vague, ambiguous, lacks 14:01
7 13:59	7 foundation. 14:01
8 EXAMINATION 13:59	8 THE WITNESS: Well, to my knowledge, he's 14:01
9 BY MR. HAVEN: 13:59	9 involved in the organization of the Bay Boys and so 14:01
10 Q Hello. 13:59	10 I would assume that he's involved in organizing the 14:02
11 A Hello. 13:59	11 harassment and the violence that occurs there that, 14:02
12 Q May name is Peter Haven, I represent 13:59	12 you know, also happened to me. 14:02
13 Michael Papayans. 14:00	13 BY MR. HAVEN: 14:02
14 Do you know who Michael Papayans is? 14:00	14 Q What do you base that understanding on, 14:02
15 A I know about him through what I've heard 14:00	15 why do you believe that? 14:02
16 from the surf community and what I've read about in 14:00	16 A It's based on, you know, the investigation 14:02
17 the media. And videos that I've seen of him from 14:00	17 of my attorneys and my own personal experiences and 14:02
18 Chris Taloa and that are in the media. 14:00	18 what I've heard about in the surf community and 14:02
19 Q And what videos have you seen from 14:00	19 videos that I've seen. 14:02
20 Chris Taloa? 14:00	20 Q What have you heard about Michael Papayans 14:02
21 A I've seen videos of him harassing 14:00	21 in the surf community? 14:02
22 Chris Taloa on the bluff and yelling insults, I 14:00	22 A You know, I've also read articles about 14:02
23 think I've also seen him harassing him in the water. 14:00	23 him in the press. 14:02
24 Q How many videos have you seen? 14:00	24 You know, I've just heard that he's really 14:02
25 A Directly related to him? 14:00	25 bad at hassling people and that he's violent. 14:02
Page 369	Page 371


<p>1 Q This is what you've heard, but you 14:02</p> <p>2 personally have never had any encounter with him to 14:02</p> <p>3 your knowledge? 14:02</p> <p>4 A I personally haven't had anything like 14:02</p> <p>5 person to person with him. 14:02</p> <p>6 Q Okay. One final question, I apologize for 14:02</p> <p>7 asking this in advance, can you tell us who the 14:02</p> <p>8 father of your child is, please? 14:03</p> <p>9 A It's Jordan Wright. 14:03</p> <p>10 Q Okay. I appreciate that, thank you very 14:03</p> <p>11 much, I have no further questions. 14:03</p> <p>12 MR. FRANKLIN: Thank you. Thank you very 14:03</p> <p>13 much. 14:03</p> <p>14 THE REPORTER: Off the record? 14:03</p> <p>15 MR. FRANKLIN: Yes. 14:03</p> <p>16 MS. HEWITT: Off the record. 14:03</p> <p>17 THE VIDEOGRAPHER: We are now off the 14:03</p> <p>18 record. The time is 2:03 p.m. 14:03</p> <p>19 (A discussion was held off the record.) 14:03</p> <p>20 THE VIDEOGRAPHER: We are off the record. 14:04</p> <p>21 It's 2:04 p.m., and this concludes today's testimony 14:04</p> <p>22 given by Diana Milena Reed, Volume 2. The total 14:04</p> <p>23 number of media used was two, and will be retained 14:04</p> <p>24 by Veritext Legal Solutions. 14:04</p> <p>25 MS. HEWITT: And you can do this off the 14:04</p> <p style="text-align: right;">Page 372</p>	<p>1 ***</p> <p>2</p> <p>3</p> <p>4 I, DIANA MILENA REED, do solemnly declare</p> <p>5 under penalty of perjury that the foregoing is my</p> <p>6 deposition under oath; that these are the questions</p> <p>7 asked of me and my answers thereto; that I have read</p> <p>8 same and have made the necessary corrections,</p> <p>9 additions, or changes to my answers that I deem</p> <p>10 necessary.</p> <p>11 It witness thereof, I hereby subscribe my</p> <p>12 name this day of _____, 2016.</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p style="text-align: center;">WITNESS SIGNATURE</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 374</p>
<p>1 video, but I think forgot to just mark what you gave 14:04</p> <p>2 to us. 14:04</p> <p>3 Can I just mark it as Exhibit -- whatever 14:04</p> <p>4 is next in order, that and the flash drive. 14:04</p> <p>5 (Deposition Exhibit 53, documents and</p> <p>6 flash drive, was marked for</p> <p>7 identification.)</p> <p>8</p> <p>9 (Whereupon the deposition was concluded at</p> <p>10 2:04 p.m.)</p> <p>11</p> <p>12 (DECLARATION UNDER PENALTY OF PERJURY ON</p> <p>13 THE FOLLOWING PAGE HEREOF.)</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 373</p>	<p>1 Certification of Court Reporter</p> <p>2 Federal Jurat</p> <p>3</p> <p>4 I, the undersigned, a Certified Shorthand</p> <p>5 Reporter of the State of California do hereby</p> <p>6 certify:</p> <p>7 That the foregoing proceedings were taken</p> <p>8 before me at the time and place herein set forth;</p> <p>9 that any witnesses in the foregoing proceedings,</p> <p>10 prior to testifying, were placed under oath; that a</p> <p>11 verbatim record of the proceedings was made by me</p> <p>12 using machine shorthand which was thereafter</p> <p>13 transcribed under my direction; further, that the</p> <p>14 foregoing is an accurate transcription thereof.</p> <p>15 That before completion of the deposition, a</p> <p>16 review of the transcript [x] was [] was not</p> <p>17 requested. I further certify that I am neither</p> <p>18 financially interested in the action nor a relative</p> <p>19 or employee of any attorney of any of the parties.</p> <p>20 IN WITNESS WHEREOF, I have this date</p> <p>21 subscribed my name.</p> <p>22 Dated: November 7, 2016</p> <p>23</p> <p>24 </p> <p>25 Jimmy Rodriguez, RPR Certificate Number 13464</p> <p style="text-align: right;">Page 375</p>

Exhibit O

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

Cory Spencer, et al.,

Plaintiffs,

vs.

Case No.
2:16-CV-02129-SJO
(RAOx)

Lunada Bay Boys, et al.,

Defendants.

DEPOSITION OF KENNETH CLAYPOOL

June 13, 2017

10:23 a.m.

20320 S.W. Birch Street, 2nd Floor
Newport Beach, California

REPORTED BY:

Angela M. Schubert

CSR No. 12027, CSR

1 APPEARANCES:

2
3 For Plaintiffs:

4 HANSON & BRIDGETT
KURT A. FRANKLIN
5 425 Market Street, 26th Floor
San Francisco, California 94105
6 415.777.3200
415.541.9366 fax
7 KFranklin@HansonBridgett.com

8
9 For Defendant Brant Blakeman:

10 VEATCH CARLSON
RICHARD P. DIEFFENBACH
1055 Wilshire Boulevard, 11th Floor
11 Los Angeles, California 90017
213.381.2861
12 213.383.6370 fax
RDieffenbach@VeatchFirm.com

13 BUCHALTER & NEMER
14 ROBERT S. COOPER
1000 Wilshire Boulevard, Suite 1500
15 Los Angeles, California 90017
213.891.5230
16 213.630.5609
RCooper@BuchAlter.com

17
18 For Defendants City of Palos Verdes
Estates and Chief of Police Jeff Kepley:

19 KUTAK ROCK, LLP
20 CHRISTOPHER D. GLOS
5 Park Plaza, Suite 1500
21 Irvine, California 92614
949.417.0999
22 949.417.0979 fax
Christopher.Glos@KutakRock.com
23
24
25

1 APPEARANCES: (Cont.)

2
3 For Defendant Sang Lee:
4 (Telephonic appearance)

5 BOOTH, MITCHEL & STRANGE
6 JACKIE K. VU
7 707 Wilshire Boulevard, Suite 4450
8 Los Angeles, California 90017
9 213.738.0100
10 213.380.3308 fax
11 JKVu@BoothMitchel.com

12 LEWIS, BRISBOIS, BISGAARD & SMITH
13 EDWARD E. WARD, JR.
14 633 West 5th Street, Suite 4000
15 Los Angeles, California 90071
16 213.580.3853
17 213.250.7900
18 Edward.Ward@LewisBrisbois.com

19 For Defendants Angelo Ferrara and NF:
20 (Telephonic appearance)

21 THE PHILLIPS FIRM
22 MATTHEW E. VOSS
23 800 Wilshire Boulevard, Suite 1550
24 Los Angeles, California 90017
25 213.244.9913
213.244.9915 fax
MVoss@ThePhillipsFirm.com

For Defendant Michael Ray Papayans:
(Telephonic appearance)

HAVEN LAW
PETER T. HAVEN
1230 Rosecrans Avenue, Suite 300
Manhattan Beach, California 90266
213.842.4617
213.477.2137 fax
Peter@HavenLaw.com

1
2 APPEARANCES: (Cont.)

3
4 For Defendants Frank Ferrara and Charlie
5 Ferrara:

6 BREMER, WHYTE, BROWN & O'MEARA
7 TIFFANY BACON
8 20320 S.W. Birch Street, 2nd Floor
9 Newport Beach, California 92660
10 949.221.1000
11 949.221.1001 fax
12 TBacon@BremerWhyte.com
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX TO EXAMINATION

WITNESS: KENNETH CLAYPOOL

EXAMINATION	PAGE
By Ms. Bacon	7,84,238
By Mr. Glos	107,246
By Mr. Ward	180
By Mr. Cooper	199
By Mr. Haven	75
By Mr. Voss	77

INDEX TO EXHIBITS

KENNETH CLAYPOOL

Cory Spencer, et al., vs. Lunada Bay Boys, et al.

Tuesday, June 13, 2017

Angela M. Schubert, CSR No. 12027, CSR

MARKED	DESCRIPTION	PAGE
Exhibit 250	Notice of deposition	10
Exhibit 251	Plaintiff's supplemental disclosures	18
Exhibit 252	Declaration of Kenneth Claypool	91

1 NEWPORT BEACH, CALIFORNIA;

2 TUESDAY, JUNE 13, 2017, 10:23 A.M.

3
4 KENNETH CLAYPOOL,

5 having been first duly sworn, was examined and

6 testified as follows:

7
8 EXAMINATION

9
10 BY MS. BACON:

11 Q. Good morning, Mr. Claypool. My name is
12 Tiffany Bacon and I represent defendants Franker
13 Ferrara and Charlie Ferrara in this action. Can you
14 please state and spell your name for the record?

15 A. Ken Claypool, K-e-n, C-l-a-y-p-o-o-l.

16 Q. Have you ever gone by any other names besides
17 Ken Claypool?

18 A. Kenneth.

19 Q. Does anyone ever refer to you as Kenny?

20 A. Yes.

21 Q. Have you ever been deposed before?

22 A. No.

23 Q. Do you understand that you're here today to
24 provide us your best testimony?

25 A. Yes.

1 A. Correct. I just know that for sure it was the
2 person that I thought it was. It was Angelo Ferrara's
3 stepson.

4 Q. Do you know who is the father of Charlie
5 Ferrara?

6 A. Charlie, I would assume it was Angelo Ferrara.

7 Q. So apart from that one incident earlier when
8 you identified Angelo Ferrara's stepson, are there any
9 other instances, any accidents, that you can recall
10 involving that particular person harassing anyone at
11 Lunada Bay?

12 MR. FRANKLIN: Vague and ambiguous.

13 THE WITNESS: No but I've seen them around
14 there a lot.

15 BY MS. BACON:

16 Q. Are you aware of any behavior of father
17 Ferrara that leads you to believe that he's what you
18 refer to as a Lunada Bay Boy?

19 A. If you're referring to Frank Ferrara, that I
20 know of, is the father of Angelo Ferrara.

21 Q. No.

22 A. There's a Frank senior that I'm speaking of.

23 Q. I'm not speaking of Frank senior. So if
24 you're referring to Frank as Angelo Ferrara's father?

25 A. I don't know Frank then.

1 Q. So you don't know Frank senior's son?

2 A. No.

3 Q. Is the Frank Ferrara that you're referring to
4 as Angelo Ferrara's father still alive?

5 A. I believe he is.

6 Q. How old is Angelo Ferrara if you know or can
7 you estimate?

8 A. Close to 60.

9 Q. Have you ever met any siblings of Angela
10 Ferrara?

11 A. No.

12 Q. So you're not aware of any other son of father
13 Ferrara senior other than Angelo Ferrara; is that
14 correct?

15 MR. FRANKLIN: Vague and ambiguous.

16 THE WITNESS: I don't know.

17 MS. BACON: Okay.

18 BY MS. BACON:

19 Q. Have you ever witnessed Charlie Ferrara and
20 I'm not referring to Angelo's stepson, Charlie Ferrara
21 threaten or intimidate anyone at Lunada Bay?

22 MR. FRANKLIN: Vague and ambiguous.

23 THE WITNESS: I can't say for sure.

24 BY MS. BACON:

25 Q. So that's a no?

1 A. I could have if they've been down there but I
2 don't recollect specifically meeting them.

3 Q. Would you classify Frank Ferrara as one of the
4 Lunada Bay Boys?

5 A. Not the father or Angelo's dad.

6 Q. Do you know of any other Frank Ferrara?

7 A. That's the only Frank Ferrara that I know of.

8 Q. Would you consider Charlie Ferrara, not Angelo
9 Ferrara's stepson, as one of the Lunada Bay Boys?

10 A. Yes, as far as I know.

11 Q. How did you come to know Charlie Ferrara?

12 A. Just heard it over and over in conversations
13 regarding the Bay Boys.

14 Q. Who in particular has mentioned Charlie
15 Ferrara's name?

16 A. I've heard that from -- I think I've heard --
17 it might have been on Facebook.

18 Q. It might have been on Facebook?

19 A. Yeah. It had to have been because I can't
20 remember specific conversations who I heard it from.

21 Q. Prior to the filing of the entire case, had
22 you heard of the name Charlie Ferrara?

23 A. Yes.

24 Q. And was that through Facebook that you're
25 talking about?

1 MR. FRANKLIN: You are going to drive home
2 with traffic.

3 THE WITNESS: Thank you.

4 MS. BACON: Thank you, sir. I appreciate your
5 time.

6 THE WITNESS: Leave this here.

7 MR. FRANKLIN: Yes.

8 MR. WARD: I need a copy of this one please.

9 MS. REPORTER: Who would like copies?

10 MR. GLOS: I do.

11 MR. DIEFFENBACH: Copy please.

12 (Deposition concluded at 5:24 p.m.)

13

14

15

16

17

18

19

20

21

22

23

24

25

DECLARATION UNDER PENALTY OF PERJURY

I, Kenneth Claypool, do hereby certify under penalty of perjury that I have read the foregoing transcript of my deposition taken on June 13, 2017; that I have made such corrections as appear noted herein in ink, initialed by me; that my testimony as contained herein, as corrected, is true and correct.

Dated this _____ day of _____, 2017, at _____, California.

Kenneth Claypool

1 DEPOSITION ERRATA SHEET

2 Page No. _____ Line No. _____

3 Change: _____

4 Reason for change: _____

5 Page No. _____ Line No. _____

6 Change: _____

7 Reason for change: _____

8 Page No. _____ Line No. _____

9 Change: _____

10 Reason for change: _____

11 Page No. _____ Line No. _____

12 Change: _____

13 Reason for change: _____

14 Page No. _____ Line No. _____

15 Change: _____

16 Reason for change: _____

17 Page No. _____ Line No. _____

18 Change: _____

19 Reason for change: _____

20 Page No. _____ Line No. _____

21 Change: _____

22 Reason for change: _____

23

24 _____

25 KENNETH CLAYPOOL Dated

REPORTER'S CERTIFICATE

I, Angela Schubert, CSR No. 12027, Certified
Shorthand Reporter, certify:

That the foregoing proceedings were taken
before me at the time and place therein set forth, at
which time the witness was put under oath by me;

That the testimony of the witness, the
questions propounded, and all objections and statements
made at the time of the examination were recorded
stenographically by me and were thereafter transcribed;

That a review of the transcript by the
deponent was required;

That the foregoing is a true and correct
transcript of my shorthand notes so taken.

I further certify that I am not a relative or
employee of any attorney of the parties, nor
financially interested in the action.

I declare under penalty of perjury under the
laws of California that the foregoing is true and
correct.

Dated this 18th day of June, 2017



ANGELA SCHUBERT, CSR NO. 12027

Exhibit P

Alison K. Hurley, State Bar No. 234042
ahurley@bremerwhyte.com
Tiffany L. Bacon, State Bar No. 292426
tbacon@bremerwhyte.com
BREMER WHYTE BROWN & O'MEARA LLP
20320 S.W. Birch Street
Second Floor
Newport Beach, California 92660
Telephone: (949) 221-1000
Facsimile: (949) 221-1001
Attorneys for Defendants,
FRANK FERRARA and CHARLIE FERRARA

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

CORY SPENCER, an individual; DIANA
MILENA REED, an individual; and
COASTAL PROTECTION RANGERS,
INC., a California non-profit public
benefit corporation,

Plaintiff,

vs.

LUNADA BAY BOYS; THE
INDIVIDUAL MEMBERS OF THE
LUNADA BAY BOYS, including but not
limited to SANG LEE, BRANT
BLAKEMAN, ALAN JOHNSTON AKA
JALIAN JOHNSTON, MICHAEL RAE
PAPAYANS, ANGELO FERRARA,
FRANK FERRARA, CHARLIE
FERRARA; CITY OF PALOS VERDES
ESTATES; CHIEF OF POLICE JEFF
KEPLEY, in his representative capacity;
and DOES 1-10,

Defendants.

Case No. 2:16-cv-2129

Judge: Hon. S. James Otero
Dept: Courtroom 10C

Magistrate Judge:
Hon. Rozella A. Oliver

**DECLARATION OF JAMES
RUSSI**

Complaint Filed: March 29, 2016
Trial Date: November 7, 2017

I, James Russi, declare as follows:

1. I am not a party to this action. My legal name is James Russi, but I use the name "Jim." The matters stated herein are true of my own personal knowledge and, if called upon as a witness, I could and would competently testify thereto under oath.

1 2. I am a resident of Hawaii and have lived in Hawaii since 1979. I am a
2 photographer, and I photograph images for surfing magazines.

3 3. I grew up in Palos Verdes Estates, California and attended Palos Verdes
4 High School, where I graduated from in 1974.

5 4. I attended Palos Verdes High School with Frank Ferrara, and he
6 graduated in the same year. Frank Ferrara and I have remained friends since high
7 school, and we talk approximately 2-3 times per year.

8 5. While I lived in Palos Verdes Estates, California, I surfed at Lunada Bay
9 approximately 30 times per year, on average, from the year of 1969.

10 6. From 1975 to 1979, I attended college at the University of California,
11 Santa Barbara and occasionally surfed at Lunada Bay.

12 7. Since moving to Hawaii in 1979, I have surfed at Lunada Bay
13 approximately 40 times.

14 8. While living in Palos Verdes Estates, California, I never heard the use of
15 the terms “Bay Boy” or “Lunada Bay Boy” and was only made aware of these terms
16 by the use of these terms in the media.

17 9. I have no knowledge of Frank Ferrara being involved in any surf related
18 incidents at or around Lunada Bay.

19 10. I have no knowledge of Frank Ferrara being involved in any incident of
20 vandalism, harassment, intimidation or threatening behavior at or near Lunada Bay,
21 nor any other wrongful behavior.

22 11. I have no knowledge of Charlie Ferrara, Frank Ferrara’s son, being
23 involved in any surf related incident at or around Lunada Bay.

24 12. I have no knowledge of Charlie Ferrara being involved in any incident
25 of vandalism, harassment, intimidation or threatening behavior at or near Lunada
26 Bay, nor any other wrongful behavior.

27 13. I have no knowledge of Frank Ferrara or Charlie Ferrara ever being
28 involved in any illegal activity at or near Lunada Bay.

1 14. I have no knowledge of Frank Ferrara or Charlie Ferrara ever attempting
2 to exclude any person from visiting or surfing at or around the area of Lunada Bay.

3 15. I have no knowledge of Frank Ferrara or Charlie Ferrara ever being
4 involved in any physical altercation, physical fight, incident of violence, or intent to
5 cause harm to any person at or near the area of Lunada Bay.

6 16. I have no knowledge of Frank Ferrara or Charlie Ferrara ever having
7 any discussions with any other person about preventing anyone from visiting or
8 surfing at or near Lunada Bay.

9 I declare under penalty of perjury under the laws of the United States of
10 America that the foregoing is true and correct.

11 Executed on this 3rd day of JULY 2017, at HALEIWA, Hawaii.

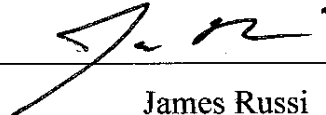
12
13 
14 _____
15 James Russi
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit Q

1 HANSON BRIDGETT LLP
KURT A. FRANKLIN, SBN 172715
2 kfranklin@hansonbridgett.com
SAMANTHA WOLFF, SBN 240280
3 swolff@hansonbridgett.com
JENNIFER ANIKO FOLDVARY, SBN 292216
4 jfoldvary@hansonbridgett.com
425 Market Street, 26th Floor
5 San Francisco, California 94105
Telephone: (415) 777-3200
6 Facsimile: (415) 541-9366

7 HANSON BRIDGETT LLP
TYSON M. SHOWER, SBN 190375
8 tshower@hansonbridgett.com
LANDON D. BAILEY, SBN 240236
9 lbailey@hansonbridgett.com
500 Capitol Mall, Suite 1500
10 Sacramento, California 95814
Telephone: (916) 442-3333
11 Facsimile: (916) 442-2348

12 OTTEN LAW, PC
VICTOR OTTEN, SBN 165800
13 vic@ottenlawpc.com
KAVITA TEKCHANDANI, SBN 234873
14 kavita@ottenlawpc.com
3620 Pacific Coast Highway, #100
15 Torrance, California 90505
Telephone: (310) 378-8533
16 Facsimile: (310) 347-4225

17 Attorneys for Plaintiffs
CORY SPENCER, DIANA MILENA
18 REED, and COASTAL PROTECTION
RANGERS, INC.
19

20 **UNITED STATES DISTRICT COURT**
21 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
22

23 CORY SPENCER, an individual;
24 DIANA MILENA REED, an
individual; and COASTAL
25 PROTECTION RANGERS, INC., a
26 California non-profit public benefit
corporation,
27

28 Plaintiffs,

CASE NO. 2:16-cv-02129-SJO (RAOx)

**PLAINTIFF CORY SPENCER'S
RESPONSE TO FIRST SET OF
REQUESTS FOR ADMISSION
PROPOUNDED BY DEFENDANT
FRANK FERRARA**

Case No. 2:16-cv-02129-SJO (RAOx)

PLAINTIFF CORY SPENCER'S RESPONSE TO FIRST SET OF REQUESTS FOR ADMISSION
PROPOUNDED BY DEFENDANT FRANK FERRARA

Complaint Filed: March 29, 2016
Trial Date: November 7, 2017

v.

LUNADA BAY BOYS; THE
INDIVIDUAL MEMBERS OF THE
LUNADA BAY BOYS, including but
not limited to SANG LEE, BRANT
BLAKEMAN, ALAN JOHNSTON
AKA JALIAN JOHNSTON,
MICHAEL RAE PAPAYANS,
ANGELO FERRARA, FRANK
FERRARA, CHARLIE FERRARA,
and N. F.; CITY OF PALOS
VERDES ESTATES; CHIEF OF
POLICE JEFF KEPLEY, in his
representative capacity; and DOES
1-10,

Defendants.

PROPOUNDING PARTY: Defendant Frank Ferrara

RESPONDING PARTY: Plaintiff Cory Spencer

SET NO.: One

Pursuant to Rule 36 of the Federal Rules of Civil Procedure, Plaintiff
Cory Spencer ("Responding Party") hereby submits these objections and
responses to the First Set of Requests for Admission propounded by
Defendant Frank Ferrara ("Propounding Party").

PRELIMINARY STATEMENT

Nothing in this response should be construed as an admission by
Responding Party with respect to the admissibility or relevance of any fact or
document, or of the truth or accuracy of any characterization or statement of
any kind contained in Propounding Party's Requests for Admission.
Responding Party has not completed his investigation of the facts relating to

1 this case, his discovery or his preparation for trial. All responses and
2 objections contained herein are based only upon information that is
3 presently available to and specifically known by Responding Party. It is
4 anticipated that further discovery, independent investigation, legal research
5 and analysis will supply additional facts and add meaning to known facts, as
6 well as establish entirely new factual conclusions and legal contentions, all
7 of which may lead to substantial additions to, changes in and variations from
8 the responses set forth herein. The following objections and responses are
9 made without prejudice to Responding Party's right to produce at trial, or
10 otherwise, evidence regarding any subsequently discovered information.
11 Responding Party accordingly reserves the right to modify and amend any
12 and all responses herein as research is completed and contentions are
13 made.

14 **GENERAL OBJECTIONS**

15 Responding Party generally objects to the Requests for Admission as
16 follows:

- 17 1. Responding Party objects generally to the Requests for
18 Admission to the extent that they seek to elicit information that is neither
19 relevant to the subject matter of this action, nor reasonably calculated to
20 lead to the discovery of admissible evidence;
- 21 2. Responding Party objects generally to the Requests for
22 Admission to the extent that they are unreasonably overbroad in scope, and
23 thus burdensome and oppressive, in that each such request seeks
24 information pertaining to items and matters that are not relevant to the
25 subject matter of this action, or, if relevant, so remote therefrom as to make
26 its disclosure of little or no practical benefit to Propounding Party, while
27 placing a wholly unwarranted burden and expense on Responding Party in
28

1 locating, reviewing and producing the requested information;

2 3. Responding Party objects generally to the Requests for
3 Admission to the extent that they are burdensome and oppressive, in that
4 ascertaining the information necessary to respond to them would require the
5 review and compilation of information from multiple locations, and
6 voluminous records and files, thereby involving substantial time of
7 employees of Responding Party and great expense to Responding Party,
8 whereas the information sought to be obtained by Propounding Party would
9 be of little use or benefit to Propounding Party;

10 4. Responding Party objects generally to the Requests for
11 Admission to the extent that they are vague, uncertain and overbroad, being
12 without limitation as to time or specific subject matter;

13 5. Responding Party objects generally to the Requests for
14 Admission to the extent that they seek information at least some of which is
15 protected by the attorney-client privilege or the attorney work-product
16 doctrine, or both;

17 6. Responding Party objects generally to the Requests for
18 Admission to the extent that they seek to have Responding Party furnish
19 information that is a matter of the public record, and therefore, is equally
20 available to the propounding party as to Responding Party; and

21 7. Responding Party objects generally to the Requests for
22 Admission to the extent that they seek to have Responding Party furnish
23 information that is proprietary to Responding Party and contain confidential
24 information.

25 8. Responding Party expressly incorporates each of the foregoing
26 General Objections into each specific response to the requests set forth
27 below as if set forth in full therein. An answer to a request is not intended to
28

1 be a waiver of any applicable specific or general objection to such request.

2 Without waiver of the foregoing, Responding Party further responds as
3 follows:

4 **RESPONSES TO REQUESTS FOR ADMISSION**

5 **REQUEST FOR ADMISSION NO. 1:**

6 Admit YOU have no facts that support YOUR First Cause of Action for
7 Bane Act against Propounding Party as alleged in YOUR COMPLAINT.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 1:**

9 Without waiving set objections, Plaintiff responds as follows: Denial

10 **REQUEST FOR ADMISSION NO. 2:**

11 Admit YOU can IDENTIFY no PERSONS with knowledge to support
12 YOUR First Cause of Action for Bane Act against Propounding Party as
13 alleged in YOUR COMPLAINT.

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 2:**

15 Without waiving set objections, Plaintiff responds as follows: Denial

16
17 **REQUEST FOR ADMISSION NO. 3:**

18 Admit YOU can IDENTIFY no DOCUMENTS to support YOUR First
19 Cause of Action for Bane Act against Propounding Party as alleged in
20 YOUR COMPLAINT.

21 **RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

22 Without waiving set objections, Plaintiff responds as follows: Denial

23
24 **REQUEST FOR ADMISSION NO. 4:**

25 Admit YOU have no facts that support YOUR Second Cause of Action
26 for Public Nuisance against Propounding Party as alleged in YOUR
27 COMPLAINT.

28

RESPONSE TO REQUEST FOR ADMISSION NO. 4:

Without waiving set objections, Plaintiff responds as follows: Denial

REQUEST FOR ADMISSION NO. 5:

Admit YOU can IDENTIFY no PERSONS with knowledge to support YOUR Second Cause of Action for Public Nuisance against Propounding Party as alleged in YOUR COMPLAINT.

RESPONSE TO REQUEST FOR ADMISSION NO. 5:

Without waiving set objections, Plaintiff responds as follows: Denial

REQUEST FOR ADMISSION NO. 6:

Admit YOU can IDENTIFY no DOCUMENTS to support YOUR Second Cause of Action for Public Nuisance against Propounding Party as alleged in YOUR COMPLAINT.

RESPONSE TO REQUEST FOR ADMISSION NO. 6:

Without waiving set objections, Plaintiff responds as follows: Denial

REQUEST FOR ADMISSION NO. 7:

Admit YOU have no facts that support YOUR Sixth Cause of Action for Assault against Propounding Party as alleged in YOUR COMPLAINT.

RESPONSE TO REQUEST FOR ADMISSION NO. 7:

Without waiving set objections, Plaintiff responds as follows: Denial

REQUEST FOR ADMISSION NO. 8:

Admit YOU can IDENTIFY no PERSONS with knowledge to support YOUR Sixth Cause of Action for Assault against Propounding Party as alleged in YOUR COMPLAINT.

RESPONSE TO REQUEST FOR ADMISSION NO. 8:

Without waiving set objections, Plaintiff responds as follows: Denial

REQUEST FOR ADMISSION NO. 9:

Admit YOU can IDENTIFY no DOCUMENTS to support YOUR Sixth Cause of Action for Assault against Propounding Party as alleged in YOUR COMPLAINT.

RESPONSE TO REQUEST FOR ADMISSION NO. 9:

Without waiving set objections, Plaintiff responds as follows: Denial

REQUEST FOR ADMISSION NO. 10:

Admit YOU have no facts that support YOUR Seventh Cause of Action for Battery against Propounding Party as alleged in YOUR COMPLAINT.

RESPONSE TO REQUEST FOR ADMISSION NO. 10:

Without waiving set objections, Plaintiff responds as follows: Denial

REQUEST FOR ADMISSION NO. 11:

Admit YOU can IDENTIFY no PERSONS with knowledge to support YOUR Seventh Cause of Action for Battery against Propounding Party as alleged in YOUR COMPLAINT.

RESPONSE TO REQUEST FOR ADMISSION NO. 11:

Without waiving set objections, Plaintiff responds as follows: Denial

REQUEST FOR ADMISSION NO. 12:

Admit YOU can IDENTIFY no DOCUMENTS to support YOUR Seventh Cause of Action for Battery against Propounding Party as alleged in YOUR COMPLAINT.

RESPONSE TO REQUEST FOR ADMISSION NO. 12:

Without waiving set objections, Plaintiff responds as follows: Denial

REQUEST FOR ADMISSION NO. 13:

Admit YOU have no facts that support YOUR Eighth Cause of Action for Negligence against Propounding Party as alleged in YOUR COMPLAINT.

RESPONSE TO REQUEST FOR ADMISSION NO. 13:

Without waiving set objections, Plaintiff responds as follows: Denial

REQUEST FOR ADMISSION NO. 14:

Admit YOU can IDENTIFY no PERSONS with knowledge to support YOUR Eighth Cause of Action for Negligence against Propounding Party as alleged in YOUR COMPLAINT.

RESPONSE TO REQUEST FOR ADMISSION NO. 14:

Without waiving set objections, Plaintiff responds as follows: Denial

REQUEST FOR ADMISSION NO. 15:

Admit YOU can IDENTIFY no DOCUMENTS to support YOUR Eighth Cause of Action for Negligence against Propounding Party as alleged in YOUR COMPLAINT.

RESPONSE TO REQUEST FOR ADMISSION NO. 15:

Without waiving set objections, Plaintiff responds as follows: Denial

REQUEST FOR ADMISSION NO. 16:

Admit YOU have never met Propounding Party in person.

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 16:**

2 Without waiving set objections, Plaintiff responds as follows: Denial

4 **REQUEST FOR ADMISSION NO. 17:**

5 Admit Propounding Party has never harassed YOU.

6 **RESPONSE TO REQUEST FOR ADMISSION NO. 17:**

7 Without waiving set objections, Plaintiff responds as follows: Denial

9 **REQUEST FOR ADMISSION NO. 18:**

10 Admit Propounding Party has never caused YOU any pain or suffering.

11 **RESPONSE TO REQUEST FOR ADMISSION NO. 18:**

12 Without waiving set objections, Plaintiff responds as follows: Denial

14 **REQUEST FOR ADMISSION NO. 19:**

15 Admit YOU have no knowledge of Propounding Party ever being
16 involved in any alleged incident of harassment at Lunada Bay at any time.

17 **RESPONSE TO REQUEST FOR ADMISSION NO. 19:**

18 Without waiving set objections, Plaintiff responds as follows: Denial

20 **REQUEST FOR ADMISSION NO. 20:**

21 Admit YOU have no personal knowledge of Propounding Party ever
22 being involved in any incident of violence at Lunada Bay at any time.

23 **RESPONSE TO REQUEST FOR ADMISSION NO. 20:**

24 Without waiving set objections, Plaintiff responds as follows: Denial

26 **REQUEST FOR ADMISSION NO. 21:**

27 Admit YOU have no personal knowledge of Propounding Party ever

1 being involved in any incident of vandalism at Lunada Bay at any time.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 21:**

3 Without waiving set objections, Plaintiff responds as follows: Denial

4
5 **REQUEST FOR ADMISSION NO. 22:**

6 Admit YOU have never seen Propounding Party at Lunada Bay at any
7 time YOU have visited Lunada Bay at any location of Lunada Bay.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 22:**

9 Without waiving set objections, Plaintiff responds as follows: Denial

10
11 **REQUEST FOR ADMISSION NO. 23:**

12 Admit that, prior to filing this Action, no PERSON ever told YOU that
13 Propounding Party was involved in any incident of harassment at Lunada
14 Bay at any time.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 23:**

16 Without waiving set objections, Plaintiff responds as follows: Denial

17
18 **REQUEST FOR ADMISSION NO. 24:**

19 Admit that, prior to filing this Action, no PERSON ever told YOU that
20 Propounding Party was involved in any incident of violence at Lunada Bay at
21 any time.

22 **RESPONSE TO REQUEST FOR ADMISSION NO. 24:**

23 Without waiving set objections, Plaintiff responds as follows: Denial

24
25 **REQUEST FOR ADMISSION NO. 25:**

26 Admit that, prior to filing this Action, no PERSON ever told YOU that
27 Propounding Party was involved in any incident of vandalism at Lunada Bay
28

1 at any time.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 25:**

3 Without waiving set objections, Plaintiff responds as follows: Denial

4
5 DATED: May 31, 2017

OTTEN LAW, PC

6
7
8 By: /s/Victor Otten

9 VICTOR OTTEN

10 KAVITA TEKCHANDANI

11 Attorneys for Plaintiffs

12 CORY SPENCER, DIANA MILENA

13 REED, and COASTAL PROTECTION
14 RANGERS, INC.

PROOF OF SERVICE
Spencer, et al. v. Lunada Bay Boys, et al.
U.S.D.C. for the Central District of California

Case No. 2:16-cv-02129-SJO (RAOx)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is: 3620 Pacific Coast Highway, Suite 100, Torrance, CA 90505.

On June 5, 2017, I served the original or a true copy of the following document(s) described as:

PLAINTIFF CORY SPENCER'S RESPONSE TO FIRST SET OF REQUESTS FOR ADMISSION PROPOUNDED BY DEFENDANT FRANK FERRARA

on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

X BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Hanson Bridgett LLP's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on **June 5, 2017**, at Torrance, California.

/s/Victor Otten

Victor Otten

SERVICE LIST

Spencer, et al. v. Lunada Bay Boys, et al.
U.S.D.C. for the Central District of California
Case No. 2:16-cv-02129-SJO (RAOx)

Robert T. Mackey, Esq. *(Attorneys for Defendant BRANT*
Peter H. Crossin, Esq. *BLAKEMAN)*
Richard P. Dieffenbach, Esq. *(served original)*
John P. Worgul, Esq.
VEATCH CARLSON, LLP
1055 Wilshire Blvd., 11th Floor
Los Angeles. CA 90017

Robert S. Cooper, Esq. *(Attorneys for Defendant BRANT*
BUCHALTER NEMER, APC *BLAKEMAN)*
1000 Wilshire Blvd., Suite 1500 *(served true copy)*
Los Angeles. CA 90017

J. Patrick Carey, Esq. *(Attorney for Defendant ALAN*
LAW OFFICES OF *JOHNSTON a/k/a JALIAN*
J. PATRICK CAREY *JOHNSTON)*
1230 Rosecrans Ave., Suite 300 *(served true copy)*
Manhattan Beach. CA 90266

Peter T. Haven, Esq. *(Attorney for Defendant MICHAEL*
HAVEN LAW *RAY PAPAYANS)*
1230 Rosecrans Ave., Suite 300 *(served true copy)*
Manhattan Beach. CA 90266

Dana Alden Fox, Esq. *(Attorneys for Defendant SANG LEE)*
Edward E. Ward, Jr., Esq. *(served true copy)*
Eric Y. Kizirian, Esq.
Tera Lutz, Esq.
LEWIS BRISBOIS
BISGAARD & SMITH LLP
633 W. 5th Street, Suite 4000
Los Angeles. CA 90071

Daniel M. Crowley, Esq. *(Attorneys for Defendant SANG LEE)*
BOOTH, MITCHEL & *(served true copy)*
STRANGE LLP
707 Wilshire Blvd., Suite 4450
Los Angeles. CA 90017

Mark C. Fields, Esq. *(Attorney for Defendant ANGELO*
LAW OFFICES OF *FERRARA and Defendant N. F.*
MARK C. FIELDS, APC *appearing through Guardian Ad*
333 South Hope Street, 35th Floor *Liteam, Leonora Ferrara)*
Los Angeles. CA 90071 *(served true copy)*

1 Thomas M. Phillip, Esq.
2 Aaron G. Miller, Esq.
3 THE PHILLIPS FIRM
800 Wilshire Blvd., Suite 1550
Los Angeles. CA 90017

*(Attorneys for Defendant ANGELO
FERRARA)*
(served true copy)

4 Patrick Au, Esq.
5 Laura L. Bell, Esq.
6 BREMER WHYTE
BROWN & O'MEARA, LLP
21271 Burbank Blvd., Suite 110
Woodland Hills. CA 91367

*(Attorneys for Defendants FRANK
FERRARA and CHARLIE FERRARA)*
(served true copy)

7 Edwin J. Richards, Esq.
8 Antoinette P. Hewitt, Esq.
9 Rebecca L. Wilson, Esq.
10 Jacob Song, Esq.
11 Christopher D. Glos, Esq.
KUTAK ROCK LLP
5 Park Plaza, Suite 1500
Irvine. CA 92614-8595

*(Attorneys for Defendants CITY OF
PALOS VERDES and CHIEF OF
POLICE JEFF KEPLEY)*
(served true copy)

1 HANSON BRIDGETT LLP
KURT A. FRANKLIN, SBN 172715
2 kfranklin@hansonbridgett.com
SAMANTHA WOLFF, SBN 240280
3 swolff@hansonbridgett.com
JENNIFER ANIKO FOLDVARY, SBN 292216
4 jfoldvary@hansonbridgett.com
425 Market Street, 26th Floor
5 San Francisco, California 94105
Telephone: (415) 777-3200
6 Facsimile: (415) 541-9366

7 HANSON BRIDGETT LLP
TYSON M. SHOWER, SBN 190375
8 tshower@hansonbridgett.com
LANDON D. BAILEY, SBN 240236
9 lbailey@hansonbridgett.com
500 Capitol Mall, Suite 1500
10 Sacramento, California 95814
Telephone: (916) 442-3333
11 Facsimile: (916) 442-2348

12 OTTEN LAW, PC
VICTOR OTTEN, SBN 165800
13 vic@ottenlawpc.com
KAVITA TEKCHANDANI, SBN 234873
14 kavita@ottenlawpc.com
3620 Pacific Coast Highway, #100
15 Torrance, California 90505
Telephone: (310) 378-8533
16 Facsimile: (310) 347-4225

17 Attorneys for Plaintiffs
CORY SPENCER, DIANA MILENA
18 REED, and COASTAL PROTECTION
RANGERS, INC.
19

20 **UNITED STATES DISTRICT COURT**
21 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
22

23 CORY SPENCER, an individual;
24 DIANA MILENA REED, an
individual; and COASTAL
25 PROTECTION RANGERS, INC., a
26 California non-profit public benefit
corporation,
27

28 Plaintiffs,

CASE NO. 2:16-cv-02129-SJO (RAOx)

**PLAINTIFF CORY SPENCER
RESPONSE TO SECOND SET OF
INTERROGATORIES PROPOUNDED
BY DEFENDANT FRANK FERRARA**

Complaint Filed: March 29, 2016

Case No. 2:16-cv-02129-SJO (RAOx)

PLAINTIFF DIANA MILENA REED'S RESPONSE TO SECOND SET OF INTERROGATORIES
PROPOUNDED BY DEFENDANT FRANK FERRARA

Trial Date: November 7, 2017

v.

LUNADA BAY BOYS; THE
INDIVIDUAL MEMBERS OF THE
LUNADA BAY BOYS, including but
not limited to SANG LEE, BRANT
BLAKEMAN, ALAN JOHNSTON
AKA JALIAN JOHNSTON,
MICHAEL RAE PAPAYANS,
ANGELO FERRARA, FRANK
FERRARA, CHARLIE FERRARA,
and N. F.; CITY OF PALOS
VERDES ESTATES; CHIEF OF
POLICE JEFF KEPLEY, in his
representative capacity; and DOES
1-10,

Defendants.

PROPOUNDING PARTY: Defendant Frank Ferrara

RESPONDING PARTY: Plaintiff Cory Spencer

SET NO.: Two

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Plaintiff
CORY SPENCER ("Responding Party") hereby submits these objections
and responses to the Second Set of Interrogatories propounded by
Defendant Frank Ferrara ("Propounding Party").

PRELIMINARY STATEMENT

Nothing in this response should be construed as an admission by
Responding Party with respect to the admissibility or relevance of any fact,
or of the truth or accuracy of any characterization or statement of any kind
contained in Propounding Party's Interrogatories. Responding Party has not
completed her investigation of the facts relating to this case, her discovery or

1 her preparation for trial. All responses and objections contained herein are
2 based only upon information that is presently available to and specifically
3 known by Responding Party. It is anticipated that further discovery,
4 independent investigation, legal research and analysis will supply additional
5 facts and add meaning to known facts, as well as establish entirely new
6 factual conclusions and legal contentions, all of which may lead to
7 substantial additions to, changes in and variations from the responses set
8 forth herein. The following objections and responses are made without
9 prejudice to Responding Party's right to produce at trial, or otherwise,
10 evidence regarding any subsequently discovered information. Responding
11 Party accordingly reserves the right to modify and amend any and all
12 responses herein as research is completed and contentions are made.

13 **GENERAL OBJECTIONS**

14 Responding Party generally objects to the Interrogatories as follows:

15 1. Responding Party objects generally to the Interrogatories to the
16 extent that they seek to elicit information that is neither relevant to the
17 subject matter of this action, nor reasonably calculated to lead to the
18 discovery of admissible evidence;

19 2. Responding Party objects generally to the Interrogatories to the
20 extent that they are unreasonably overbroad in scope, and thus burdensome
21 and oppressive, in that each such request seeks information pertaining to
22 items and matters that are not relevant to the subject matter of this action,
23 or, if relevant, so remote therefrom as to make its disclosure of little or no
24 practical benefit to Propounding Party, while placing a wholly unwarranted
25 burden and expense on Responding Party in locating, reviewing and
26 producing the requested information;

27 3. Responding Party objects generally to the Interrogatories to the
28

1 extent that they are burdensome and oppressive, in that ascertaining the
2 information necessary to respond to them would require the review and
3 compilation of information from multiple locations, and voluminous records
4 and files, thereby involving substantial time of employees of Responding
5 Party and great expense to Responding Party, whereas the information
6 sought to be obtained by Propounding Party would be of little use or benefit
7 to Propounding Party;

8 4. Responding Party objects generally to the Interrogatories to the
9 extent that they are vague, uncertain and overbroad, being without limitation
10 as to time or specific subject matter;

11 5. Responding Party objects generally to the Interrogatories to the
12 extent that they seek information at least some of which is protected by the
13 attorney-client privilege or the attorney work-product doctrine, or both;

14 6. Responding Party objects generally to the Interrogatories to the
15 extent that they seek to have Responding Party furnish information that is a
16 matter of the public record, and therefore, is equally available to the
17 propounding party as to Responding Party; and

18 7. Responding Party objects generally to the Interrogatories to the
19 extent that they seek to have Responding Party furnish information that is
20 proprietary to Responding Party and contain confidential information.

21 8. Responding Party objects to the interrogatories, and to any
22 individual interrogatory set forth therein, to the extent that they are
23 compound and constitute an impermissible effort to circumvent the 25
24 interrogatory limit set by Rule 33 of the Federal Rules of Civil Procedure.

25 9. Responding Party expressly incorporates each of the foregoing
26 General Objections into each specific response to the requests set forth
27 below as if set forth in full therein. An answer to a request is not intended to
28

1 be a waiver of any applicable specific or general objection to such request.

2 Without waiver of the foregoing, Responding Party further responds as
3 follows:

4 **RESPONSES TO INTERROGATORIES**

5 **INTERROGATORY NO. 13:**

6 If YOU denied any of the Requests for Admissions served by
7 Propounding Party in this action, then for each Request for Admission
8 denied, state all facts RELATING TO YOUR denial.

9 **RESPONSE TO INTERROGATORY NO. 13:**

10 Responding Party objects to this interrogatory as premature. Because
11 this interrogatory seeks or necessarily relies upon a contention, and
12 because this matter is in its early stages and pretrial discovery has only just
13 begun, Responding Party is unable to provide a complete response at this
14 time, nor is it required to do so. See *Kniec v. Powerwave Techs. Inc. et al.*,
15 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
16 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
17 also Fed. R. Civ. P. 33(a)(2) (“the court may order that [a contention]
18 interrogatory need not be answered until designated discovery is complete,
19 or until a pretrial conference or some other time.”).

20 Responding Party further objects to this interrogatory as unduly
21 burdensome, harassing, and duplicative of information disclosed in
22 Responding Party’s Rule 26(a) disclosures and supplemental disclosures.
23 Propounding Party may look to Responding Party’s Rule 26(a) disclosures
24 and supplemental disclosures for the information sought by this
25 interrogatory. Moreover, Responding Party had the opportunity to depose
26 Mr. Spencer on this topic.

27 Responding Party further objects to this interrogatory as compound.
28

1 This "interrogatory" contains multiple impermissible subparts, which
2 Propounding Party has propounded in an effort to circumvent the numerical
3 limitations on interrogatories provided by Federal Rule of Civil Procedure
4 33(a)(1).

5 Responding Party further objects to this interrogatory on the grounds
6 that it seeks information that is outside of Responding Party's knowledge.

7 Responding Party further objects to the extent that this interrogatory
8 invades attorney-client privilege and/or violates the work product doctrine by
9 compelling Responding Party to disclose privileged communications and/or
10 litigation strategy. Responding Party will not provide any such information.

11 Subject to and without waiver of the foregoing objections, Responding
12 Party responds as follows:

13 **Facts Supporting Denial of RFA Nos. 1-25:**

14 The Complaint alleges that Defendant Lunada Bay Boys is an
15 unincorporated association within the meaning of Code of Civil Procedure §
16 369.5 acting by and through its respective members and associates.
17 Defendant Lunada Bay Boys acts by and through its respective members,
18 individually, collectively, and in concert, and conducts its affairs and activities
19 in the City of Palos Verdes Estates, County of Los Angeles, State of California.
20 Defendant Lunada Bay Boys claims gang territory, or "turf" within the City of
21 Palos Verdes Estates' Lunada Bay neighborhood (Lunada Bay). The Lunada
22 Bay Boys have received benefits from holding itself out to the public as an
23 entity. The Lunada Bay Boys functions under circumstances where "fairness
24 requires that the group be recognized as a legal entity."¹

25

26

27 ¹ *Barr v. United Methodist Church*, 90 Cal. App. 3rd 259,267, cert. denied,
28 444 U.S. 973 (1979), quoted and followed with approval in *People v. Colonia*
(footnote continued)

1 The Complaint further alleges that Defendant Lunada Bay Boys are
2 criminal street gang as defined in California Penal Code § 186.22, subdivision
3 (f), in as much as it is a group of three or more individuals with a common
4 name or common symbol and whose members, individually or collectively,
5 engage in or have engaged in a pattern of criminal gang activity, and has as
6 one of its primary activities the commission of enumerated "predicate crimes,"
7 including but not limited to assault, battery, vandalism, intimidation,
8 harassment, upon information and belief, the sale and use of illegal controlled
9 substances.

10 The Complaint alleges that Defendant Lunada Bay Boys use the
11 unpermitted Rock Fort to conduct criminal activity.

12 The Complaint also alleges that Defendant Lunada Bay Boys is also an
13 unincorporated association within the meaning of Corporations Code § 18035,
14 subdivision (a), inasmuch it consists of two or more individuals joined by
15 mutual consent for some common lawful purposes, such a attending social
16 gatherings, and recreational events. However, notwithstanding any common
17 lawful purpose, Defendant Lunada Bay Boys is a criminal gang whose
18 members are primarily engaged in criminal and nuisance activities which
19 constitute Bane Act violations and a public nuisance.

20 Defendant Lunada Bay Boys is comprised of members including, but
21 not limited to Sang Lee, Brant Blakeman, Angelo Ferrara, Frank Ferrara,
22 Nicholas Ferrara, Charlie Ferrara, Michael Rae Papayans, Alan Johnston aka
23 Jalian Johnston, each of whom has been within the Lunada Bay and is
24 responsible in some manner for the Bane Act violations and public nuisance
25 described in this Complaint.

26 _____
27 *Chiques*, 156 Cal. App. 4th 31, 38-39 (2007) (holding the criminal street
28 gang "Colonia Chiques may be sued as an unincorporated association").

1 Plaintiffs' first Claim is for an injunction and equitable relief under Civil
2 Code § 52.1(b). Some of the facts that support the claim include:

3 Some of the acts committed by the Lunada Bay Boys include:

4 1. On January 22, 1995, a Brazilian surfer was accosted by several
5 Lunada Bay Boys including David Hilton. The Brazilian surfer reported to the
6 police that suspect #1 told him angrily, "If you go out, no more car, no more
7 tires, no more glass, your car will be trash." He said that the suspect #1 was
8 much taller and bigger than he was and he was afraid of the suspect. He said
9 he backed away from suspect #1 and suspect #2 walked up to him and
10 deliberately knocked his surfboard into his [surfboard]. He said the suspect
11 #2 told him, "If you cross, I will fight you. I will break your face." He said he
12 was afraid that suspect would hurt him and backed away from him. He said
13 the suspect #3 yelled at him, "Fuck Brazil." The Brazilian surfer told the police
14 that approximately 15 other Lunada Bay Boys were standing around them.
15 He said he was fearful that he and his friends were going to be hurt, went back
16 to their car, drove to a local gas station and called the police.²

17 2. On March 13, 1995, Geoff Hagins and five 9 juveniles and another
18 adult were assaulted at Lunada Bay by Peter McCullom. Plaintiffs are
19 informed and believe that David Hilton, Kelly Logan, Sang Lee and others
20 were also part of the incident. Geoff Hagins called Ed Jaakola prior to going
21 to surf and informed him. The police records are redacted but the paper
22 reports: Peter McCollum, David Hilton, Defendant Sang Lee and Kelly
23 Hogan.³

24 3. On February 17, 2014, an unknown individual reports to Officer
25

26
27 ² DR 95-0062 (CITY 1-6).

28 ³ CITY1969; DR 95-031; P.V.P. News 11-30-96

1 Alex Gonzales: that he arrived at the 2300 block of Paseo Del Mar with the
2 intention of surfing. Before he was able to collect his gear and walk down the
3 trail to the beach, he was confronted by two unknown individuals who started
4 to harass him. The subjects told he was not allowed to surf at Lunada Bay,
5 and if he proceeded persisted to do so, they would follow him into the water
6 to block his waves and run their surfboards into him.⁴

7 4. On November 15, 2014, Sef Krell attempts to surf Lunada Bay.
8 As he walks down the trail, dirt clods and rocks are thrown at him.

9 The Complaint also alleges a civil conspiracy amount the Defendants
10 and other individuals.⁵

11 Diana Reed: believes that members of the Lunada Bay Boys engaged
12 in a concerted effort with other Bay Boys to obstruct the plaintiffs' and the
13 publics' free passage and use in the customary manner of a public space.
14 Reed also believes that members of the Bay Boys harass and assault the
15 plaintiffs and the public when they were visiting Lunada Bay. Reed believes
16 that the conduct directed at the plaintiffs and others trying to surf Lunada Bay
17 is part of an agreement among Defendant Ferrara and the other Bay Boys,
18 which at a minimum, may be implied by the conduct of the parties and other
19 members of the Bay Boys.⁶ Reed believes that the Bay Boys concerted efforts
20 to stop the public from accessing the beach are documented in statements
21 made to the media, text messages and emails some of which have been
22 destroyed or are being withheld by the Defendants in this case. For example,

23
24 _____
25 ⁴ DR 14-01520.

26 ⁶ "A conspiracy is an agreement by two or more persons to commit a
27 wrongful act. Such an agreement may be made orally or in writing or may be
28 implied by the conduct of the parties." (CivilConspiracy-CACI3600)

1 Defendant Frank Ferrara was featured in the article "People Who Surf,"
2 December 1991 edition of Surfer Magazine. Plaintiffs are informed and
3 believe that the article was arranged by Lunada Bay local Jim Russi who was
4 a photographer at the magazine which is quoted in relevant part:

5 Q: There was an article a few months ago in the
6 L.A. Times that called the Palos Verdes surfers a
7 bunch elitist gangsters. As a P.V. guy, what do
8 you think of that?

9 A: I think that Palos Verdes is a beautiful surfing
10 spot and that some of the people who have come
11 up there in the past haven't really respected it.

12 Q: But the complaint from visitors is they're not
13 even given a chance to prove themselves. They're
14 run out or hit with rocks just trying to get to the
15 beach.

16 A: Look at what happened to Malibu, Trestles,
17 Rincon; there's five or six guys on every wave.
18 The guys who surf in Palos Verdes...have seen
19 what happens. One guy comes and surfs it, and
20 then he brings two or three guys, and they bring
21 three or four of their friends and it snowballs and
22 gets out of hand. That is exactly why we want to
23 protect it.

24 Defendant Frank Ferrara followed his interview up with a letter defending
25 localism printed in the March 1992 edition of Surfer Magazine stating; "I am
26 a protector of Palos Verdes. It is also protected by the pirates who surf there."
27 Members of the Bay Boys have worn pirate shirts.

28

1 In a May 5, 1995 article published in the Easy Reader entitled "A Bay
2 Boy Explains localism: 'A Great Sense of Community here'," Jim Russi admits
3 to the illegal acts the Bay Boys engage in to exclude outsiders. Russi said the
4 harassment stems from a desire by locals to preserve the beach for their own
5 use, especially during the winter when the surf is exceptional. "We feel a great
6 sense of community here and we need to protect it. I can tell you about places
7 that get overrun by outsiders." Russi even attempts to blame the harassment
8 of Geoff Hagins by Defendant Sang Lee, Bay Boys Peter McCollum and Kelly
9 Logan: "Hagins is a real troublemaker. He's a bully. He came e down with a
10 gang of kids, including a Boogie boarder. There's never been a Boogie
11 boarder at Lunada Bay."

12 Finally, Defendant Charlie Ferrara, who is the son of Defendant Frank
13 Ferrara, admitted that generations of surfers have used intimidation and even
14 violence to successfully prevent the isolated spot from becoming a crowded
15 destination. In the 13-minute recording of the conversation, Defendant
16 Charlie Ferrara is heard saying:

- 17 1. "I can't tell you can't be down here. I can't tell you can't go surfing,
18 but what I can do is I can make sure you don't have fun out there."
- 19 2. Echoing the words of his father to Surfer Magazine, he states: "if one
20 person is "cool" and gets along, then "everyone gets along, and then
21 it turns into Rincon and Malibu."
- 22 3. "My dad's 59 years old, for 59 years it's been like that; who are you
23 to come here and change something, get me?" he said. "I'm sorry to
24 say it like that, I'm not rude, but that's how they're looking at it, you
25 know?"

26 There are numerous examples of the members of Lunada Bay Boys
27 conspiring to harass and intimidate visiting surfers which are set forth in
28

1 Plaintiffs' Supplemental Disclosures and previous discovery responses
2 including but not limited to:

3 1. Emails from Defendant Sang Lee and others that describe Bay Boy
4 tactics to keep outsiders and non-locals from surfing Lunada Bay
5 including emails dated 1/7/2011,1/8/2011,1/17/2011.

6 2. On February 5, 2016, Charles Mowat sent a text message to
7 Defendant Brant Blakeman, Tom Sullivan, David Yoakley, Andy
8 Patch, Defendant Michael Papayans and several others that said
9 "There are 5 kooks standing on the bluff taking pictures...I think that
10 same Taloa guy. Things could get ugly." A Los Angeles Times
11 photographer captured a pictured of Defendant Blakeman of the bluff
12 filming plaintiffs. Plaintiffs believe that the Bay Boys take photos
13 and/or video tape people as a form of harassment and intimidation.
14 Plaintiffs are also informed and believe that a Lunada Bay local
15 named Joshua Bernstein was taking pictures at the MLK 2014 paddle
16 out. Plaintiffs are also informed and believe that Bernstein told several
17 people after he photographed them, "Now we know who you are."
18 Plaintiffs believe that the conduct directed at Reed by Blakeman and
19 the individual Bay Boys is because she is a woman. Plaintiff is
20 informed and believes that there are numerous text messages where
21 the Bay Boys refer to Reed as a "bitch" and make sexual comments
22 about her.

23 3. Emails dated January 16 and 17, 2014 that Charlie Mowatt sent to
24 Defendant Sang Lee and other Lunada Bay locals regarding plans to
25 harass Chris Taloa and visiting surfers at the MLK event in 2014

26 The specific acts directed against Reed include but are not limited to the
27 following: i) Reed went to Lunada Bay on January 29, 2016 with Jordan
28

1 Wright. Reed had intended to surf at Lunada Bay that day because the
2 conditions were such that she felt comfortable surfing. Immediately after they
3 parked their car along the bluffs, the harassment began. Several men drove
4 by and circled around their car. This was the day that she and Wright were
5 harassed and intimidated by David Melo. Blakeman was recording them on
6 land with his camera. It was very disturbing to Reed and made her feel very
7 uncomfortable. Plaintiffs are informed and believe that this was witnessed by
8 John MacHarg. ii) On or about February 12, 2016, The Los Angeles Times
9 published an article called "Bay Boys surfer gang cannot block access to
10 upscale beach, Coastal Commission says." Jordan Wright and Cory Spencer
11 are quoted in the article. Mr. Wright and a few others had planned to surf
12 Lunada Bay the following morning. Plaintiffs are informed and believe that
13 Defendants Johnston and Blakeman learned that Jordan Wright and Diana
14 Reed were going to Lunada Bay and planned to be there to harass them. On
15 February 12, 2016, Defendant Alan Johnston sent the following text
16 messages to an unknown recipient: "No fucking way Taloa is back this year"
17 and "If u really wanna be a bay boy we might meet help tomm." iii) On
18 February 13, 2016, Reed returned to Lunada Bay with Jordan Wright to watch
19 him surf and take photographs. Prior to her arrival, she contacted the Palos
20 Verdes Estates Police and requested an escort from the bluffs to the beach.
21 She was concerned about her safety given the January 29, 2016 incident. She
22 was told that the police were unavailable and no officers were present when
23 they arrived.

24 When Reed and Wright reached the beach, they encountered angry
25 locals who were yelling at them. Reed and Wright ignored the harassment and
26 Wright got into the water to surf and Reed made her way to the Rock Fort
27 where she planned to watch Wright and photograph him. Approximately two
28

1 hours after Reed had arrived at Lunada Bay, while she was standing in the
2 Rock Fort taking photos, defendant Blakeman and defendant Alan Johnston
3 rushed into the fort and ran towards her in a hostile and aggressive manner.
4 It seemed that they had coordinated and orchestrated the attack which
5 completely caught Reed off guard. Blakeman was filming Reed again, and at
6 times, held his camera right in her face. It was intimidating and harassing to
7 Reed, and she feared for her safety. Reed asked Blakeman and Johnston
8 why they were filming her, because it made her uncomfortable. Blakeman
9 responded, "because I feel like it." Johnston responded, "Because you're hot.
10 Because you're fucking sexy baby, wooh!" Johnston then opened a can of
11 beer in a purposeful way so that it sprayed Reed's arm and her camera. Reed,
12 paralyzed with fear, was unable to leave the Rock Fort as Blakeman and
13 Johnston were standing closest to the exit. iv) Plaintiffs are informed and
14 believe that after the incident Defendant Johnston started calling and/or
15 texting other Lunada Bay locals to check for police to plan a getaway. At
16 around 1:00 pm Brad Travers (Travers Tree Service) texted Johnston: "Don't
17 see any cops at the top." Plaintiffs are informed and believe that later that day
18 Johnston received a text from his mother asking him "What happened at the
19 bay?" Johnston replied "Nothing happened really just couple of trolls they got
20 nothing."

21 Spencer further identifies the following individuals as having knowledge
22 of concerted efforts by the Bay Boys:

23 Cory Spencer: Cory Spencer and Chris Taloa went to surf Lunada Bay.
24 Almost instantly after they arrived at Lunada Bay, they started getting
25 harassed by Bay Boys. They were told that they couldn't surf there, and
26 Spencer was called a "kook," which is a derogatory surfing term. Spencer was
27 also told: "why don't you fucking go home, you fucking kook;" and was asked,
28

1 "how many other good places did you pass to come here?" These are the
2 same types of statements made by Defendant Sang Lee and others that can
3 be observed on the video published by the Guardian. These taunts started
4 while Spencer and Taloa were on the bluffs getting ready to surf. One
5 individual continued to heckle Spencer and Taloa on their way down to the
6 beach and into the water. Blakeman was already in the water and began
7 paddling around Spencer and Taloa in a tight circle – staying just a few feet
8 away from them. There was no legitimate reason for this conduct. Spencer
9 believes that this is a tactic used by the Bay Boys to harass people. Blakeman
10 impeded Spencer's movement in any direction and was intentionally blocking
11 him from catching any waves. It was clear to Spencer that Blakeman was not
12 there to surf that morning. Instead, his mission was to prevent Spencer and
13 Taloa from surfing and to keep them from enjoying their time in the water, the
14 open space, the waves, and nature. This type of concerted effort was
15 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep
16 people from surfing at Lunada Bay. In the approximately 90 minutes that
17 Spencer was in the water that day, Blakeman was focused on Spencer and
18 Taloa and continued to shadow their movements and sit uncomfortably close
19 to them. Spencer had never experienced anything like that before in his life.
20 It was bizarre but also incredibly frightening and disturbing. It appeared to
21 Spencer that Blakeman was coordinating his actions with a group of guys who
22 were standing in the Rock Fort, along with others in the water. They were all
23 talking to each other and it was clear they all knew each other. At one point
24 while Spencer was in the water and was paddling west out to the ocean, he
25 saw a man surfing, coming in east towards the shore. The Bay Boy ran over
26 his hand/wrist that was holding his surfboard and one of the fins on his
27 surfboard sliced open his right wrist. Spencer has about a half-inch scar from
28

1 where this man ran him over. As soon as the Bay Boy ran him over, he started
2 berating Spencer, saying things like "what are you fucking doing out here? I
3 told you to go home. I should have run you over. Why are you paddling in the
4 sun glare where I can't see you?" The Bay Boy was pretending that he didn't
5 see Spencer but it was obvious that he did and intentionally ran him over. With
6 over 30 years of surfing experience, Spencer knew that this collision was
7 intentional on his part. Fearful of being further injured at that point, and not
8 wanting to get into an argument with him, Spencer just paddled away.
9 Spencer and Taloa caught one more wave after that and then decided it was
10 getting too dangerous to surf. More men started showing up at the Rock Fort
11 and Spencer and Taloa were growing increasingly fearful for their safety.
12 Spencer was also bleeding and in pain. These incidents are described in the
13 declarations filed with Plaintiffs' motion for class certification and the
14 deposition of Spencer.

15 Christopher Taloa: As set forth above, Taloa and Spencer went surfing
16 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman
17 shadowing Spencer's movement in the water. Blakeman was in the water with
18 four or five other Lunada Bay Locals. At one point, Blakeman paddled toward
19 Taloa, at which point Taloa told him that he was too close. Blakeman replied,
20 "This is the ocean. We are surfing. I can be wherever." Taloa kept moving in
21 the water, and Blakeman attempted to keep up with him but was not in good
22 enough shape to do so.

23 Jordan Wright: Wright attempted to surf Lunada Bay in January 2015
24 with Chris Claypool and Kenneth Claypool. He observed Blakeman harassing
25 Chris and Ken. Wright was sitting on the outside waiting his turn for waves.
26 By regular surfing norms, he had priority. He caught a 10- to 12foot-high wave
27 and was up riding for several seconds. Alan Johnston paddled the wrong way
28

1 on this wave, dropped in on him going the wrong way on the wave, and yelled,
2 “Oh no, you don’t!” Dropping in on a surfer while going the wrong way violates
3 normal surf etiquette. Johnston then collided with Wright, and their leashes
4 got tangled. After they surfaced from the collision, Johnston then got close to
5 Wright and yelled, “You had to fucking take that wave, didn’t you!” The next
6 wave that came through then broke Wright’s leash plug and the board was
7 carried into the rocks, which destroyed a new surfboard. Wright had to swim
8 in over rocks to get his board and cut his hands on the rocks doing so. Wright
9 is confident that Johnston attempted to purposefully injure him. What he did
10 was extremely dangerous.

11 Wright has observed Blakeman on many occasions. Blakeman is easy
12 to identify because he rides a kneeboard and he is regularly filming visitors on
13 land with a camcorder. Wright believes his filming is an effort to intimidate
14 visitors. In the water, Wright has observed what appears to be Blakeman
15 directing other Bay Boys to sit close to visiting surfers. Wright has observed
16 Bay Boys who seem to be assigned to visiting surfers—they’ll sit too close to
17 the visitors, impede their movements, block their surfing, kick at them, splash
18 water at them, and dangerously drop in on them. In addition to Blakeman, he
19 has seen Michael Papayans, Sang Lee, Alan Johnston, Charlie Ferrara, and
20 David Melo engage in this activity. These incidents are described in the
21 declarations filed with Plaintiffs’ motion for class certification.

22 Ken Claypool: has been harassed and filmed by Blakeman in an attempt
23 to intimidate him at Lunada Bay on multiple occasions. In January 2015,
24 Claypool and his brother Chris Claypool along with Jordan Wright went to surf
25 Lunada Bay. There were about five Lunada Bay locals in the water, including
26 Blakeman who paddled over and threatened them. Claypool observed
27 Blakeman intentionally drop in on Wright at least twice. On February 5, 2016,
28

1 Claypool went to Lunada Bay with Chris Taloa and Jordan Wright. There was
2 a photographer from the Los Angeles Times that was there. Also in
3 attendance was Cory Spencer and Diana Reed. Spencer was there to watch
4 the cars. Blakeman was there filming in an effort to intimidate visitors.
5 Blakeman can be seen in one of the pictures taken by the photographer. Also
6 present was Defendant Papayans.

7 Plaintiffs are informed and believe that there was a text message sent
8 that day to Papayans, Michael Thiel and 11 other people stating that there
9 were 5 kooks standing on the bluff taking pictures, including Taloa. Plaintiffs
10 are informed that the text states: "Things could get ugly." These incidents are
11 described in the declarations filed with Plaintiffs' motion for class certification.
12 Chris Claypool: he and his brother Ken and Jordan Wright attempted to surf
13 Lunada Bay in January 2015. There were about five locals in the water,
14 including Blakeman who paddled over and was yelling, "Try and catch a wave
15 and see what happens. There is no fucking way you are getting a wave. Just
16 go in. Just go. You better not cut me off." Blakeman looked possessed or
17 possibly on drugs. His behavior got more bizarre throughout the morning. He
18 seemed to be paddling for every wave that he could physically push himself
19 into, perhaps to make a point, but he was wiping out a lot and falling down the
20 face and tumbling across the rock reef. Blakeman looked dangerous to
21 himself. When Blakeman would actually catch a wave in, he would paddle
22 back to where Claypool and his brother were sitting, and continue his insane
23 rant. On one occasion, Blakeman came less than 12 inches from Claypool's
24 ear and was screaming. It was so loud, Claypool had to put his fingers in his
25 ear to protect them from being damaged. Claypool is a sound engineer and
26 to put this in perspective, a rock concert creates about 120 decibels of noise
27 - this was louder; a jet engine creates about 150 decibels. At one point
28

1 Blakeman caught a wave and drew a line aiming right at Claypool. Another
2 Bay Boy tried the same thing and said "mother fucker" as he narrowly missed
3 Claypool's head. Claypool watched as Blakeman intentionally dropped in on
4 Jordan at least twice. It seemed obvious to Claypool that Blakeman and the
5 other Bay Boy wanted to make sure none of them were having fun. Because
6 of the danger, they decided to leave. When Claypool and his brother got out
7 of water, they saw people gathering on top of the cliff. One person was
8 videotaping them from the top of the cliff; it was clear to Claypool that he was
9 doing this to try and intimidate them. The people were watching them from the
10 cliff. It was obvious that Blakeman engaged in a concerted effort with other
11 Bay Boys to obstruct his free passage and use in the customary manner of a
12 public space. It also seemed clear that Blakeman engaged in a concerted
13 effort with other Bay Boys to try and injure him. These incidents are described
14 in the declarations filed with Plaintiffs' motion for class certification.

15 Jason Gersch: While observing the surf, Gersch was approached by two
16 local Bay Boys named Peter McCollum and Brant Blakeman. These
17 individuals made it known to Gersch that he could not surf there. These
18 incidents are described in the declarations filed with Plaintiffs' motion for class
19 certification. Plaintiffs are informed and believe and on that basis allege that
20 Defendant Blakeman and his attorneys are attempting to intimidate witnesses
21 in this case.

22 The request is premature. Because the defendants are refusing to
23 comply with their obligations to produce documents under the federal rules
24 and are impermissibly withholding evidence and/or possibly spoiling
25 evidence, we are not able to fully respond to discovery requests which
26 necessarily rely on our ability to fully investigate the facts. As discovery is
27 continuing, Spencer reserves the right to update this response.

28

INTERROGATORY NO. 14:

If YOU denied any of the Requests for Admissions served by Propounding Party in this action, then for each Request for Admission denied, IDENTIFY all PERSONS with knowledge RELATING TO YOUR denial.

RESPONSE TO INTERROGATORY NO. 14:

Responding Party objects to this interrogatory as premature. Because this interrogatory seeks or necessarily relies upon a contention, and because this matter is in its early stages and pretrial discovery has only just begun, Responding Party is unable to provide a complete response at this time, nor is it required to do so. See *Kniec v. Powerwave Techs. Inc. et al.*, 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see also Fed. R. Civ. P. 33(a)(2) (“the court may order that [a contention] interrogatory need not be answered until designated discovery is complete, or until a pretrial conference or some other time.”).

Responding Party further objects to this interrogatory as unduly burdensome, harassing, and duplicative of information disclosed in Responding Party’s Rule 26(a) disclosures and supplemental disclosures. Propounding Party may look to Responding Party’s Rule 26(a) disclosures and supplemental disclosures for the information sought by this interrogatory. Moreover, Responding Party had the opportunity to depose Mr. Spencer on this topic.

Responding Party further objects to this interrogatory as compound. This “interrogatory” contains multiple impermissible subparts, which Propounding Party has propounded in an effort to circumvent the numerical

1 limitations on interrogatories provided by Federal Rule of Civil Procedure
2 33(a)(1).

3 Responding Party further objects to this interrogatory on the grounds
4 that it seeks information that is outside of Responding Party's knowledge.

5 Responding Party further objects to the extent that this interrogatory
6 invades attorney-client privilege and/or violates the work product doctrine by
7 compelling Responding Party to disclose privileged communications and/or
8 litigation strategy. Responding Party will not provide any such information.

9 Subject to and without waiver of the foregoing objections, Responding
10 Party responds as follows:

11 The following Persons are identified to have knowledge of facts
12 supporting Plaintiff's denial of the Requests for Admissions, and have
13 information of the concerted efforts of the Bay Boys, are:

- 14 ▪ Diana Reed
- 15 ▪ Cory Spencer
- 16 • Christopher Taloa:
- 17 • Jordan Wright:
- 18 • Ken Claypool:
- 19 • Andy MacHarg:
- 20 • Jason Gersch:
- 21 ○ Sef Krell
- 22 ○ Geoff Hagins
- 23 ○ Peter McCullom, David Hilton, Kelly Logan, Sang Lee
- 24 ○ Officer Alex Gonzales
- 25 ○ Jim Russi
- 26
- 27
- 28

- 1 ○ David Hunt
- 2 ○ Jen Bell
- 3 ○ Chris Taloa
- 4 ○ Plaintiffs
- 5 ○ Michael Papayans,
- 6 ○ Sang Lee,
- 7 ○ Alan Johnston,
- 8 ○ Charlie Ferrara,
- 9 ○ David Melo
- 10 ○ Ken Claypool
- 11 ○ Chris Claypool
- 12 ○ Jordan Wright
- 13 ○ Jason Gretch

14 The request is premature. Because the defendants are refusing to
15 comply with their obligations to produce documents under the federal rules
16 and are impermissibly withholding evidence and/or possibly spoiling
17 evidence, we are not able to fully respond to discovery requests which
18 necessarily rely on our ability to fully investigate the facts. As discovery is
19 continuing, Reed reserves the right to update this response.

20
21
22
23
24
25 **INTERROGATORY NO. 15:**

26 If YOU denied any of the Requests for Admissions served by
27 Propounding Party in this action, then for each Request for Admission
28

1 denied, IDENTIFY **all DOCUMENTS** RELATING TO YOUR denial.

2 **RESPONSE TO INTERROGATORY NO. 15:**

3 Responding Party objects to this interrogatory as premature. Because
4 this interrogatory seeks or necessarily relies upon a contention, and
5 because this matter is in its early stages and pretrial discovery has only just
6 begun, Responding Party is unable to provide a complete response at this
7 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,
8 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
9 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
10 also Fed. R. Civ. P. 33(a)(2) (“the court may order that [a contention]
11 interrogatory need not be answered until designated discovery is complete,
12 or until a pretrial conference or some other time.”).

13 Responding Party further objects to this interrogatory as unduly
14 burdensome, harassing, and duplicative of information disclosed in
15 Responding Party’s Rule 26(a) disclosures and supplemental disclosures.
16 Propounding Party may look to Responding Party’s Rule 26(a) disclosures
17 and supplemental disclosures for the information sought by this
18 interrogatory. Moreover, Responding Party had the opportunity to depose
19 Ms. Reed on this topic.

20 Responding Party further objects to this interrogatory as compound.
21 This “interrogatory” contains multiple impermissible subparts, which
22 Propounding Party has propounded in an effort to circumvent the numerical
23 limitations on interrogatories provided by Federal Rule of Civil Procedure
24 33(a)(1).

25 Responding Party further objects to this interrogatory on the grounds
26 that it seeks information that is outside of Responding Party’s knowledge.

27 Responding Party further objects to the extent that this interrogatory
28

1 invades attorney-client privilege and/or violates the work product doctrine by
2 compelling Responding Party to disclose privileged communications and/or
3 litigation strategy. Responding Party will not provide any such information.

4 Subject to and without waiver of the foregoing objections, Responding
5 Party responds as follows:

6 **Documents which relate to or support Plaintiff's denial of the Requests**
7 **for Admissions are the following:**

- 8 ■ DR- 95-0062,
- 9 ○ DR 95-031, and
- 10 ○ DR- 14-01520,
- 11 ○ "People Who Surf," December 1991 edition of Surfer Magazine,
- 12 March 1992 edition of Surfer Magazine,
- 13 ○ May 5, 1995 article published in the Easy Reader entitled "A Bay
- 14 Boy Explains localism: 'A Great Sense of Community here'
- 15 ○ 13-minute recording of the conversation, Defendant Charlie
- 16 Ferrara,
- 17 ○ Emails from Defendant Sang Lee and others that describe Bay
- 18 Boy tactics to keep outsiders and non-locals from surfing Lunada
- 19 Bay including emails dated 1/7/2011,1/8/2011,1/17/2011,
- 20 ○ Phone records from Defendant Sang Lee, Phone records from
- 21 Defendant Alan Johnston, and Declarations produced in support
- 22 of plaintiff's motion for class certification.

23 The request is premature. Because the defendants are refusing to
24 comply with their obligations to produce documents under the federal rules
25 and are impermissibly withholding evidence and/or possibly spoiling
26 evidence, we are not able to fully respond to discovery requests which
27 necessarily rely on our ability to fully investigate the facts. As discovery is
28

1 continuing, Reed reserves the right to update this response.

2

3 DATED: June 5, 2017

OTTEN LAW, PC

4

5

6

By: /s/Victor Otten

7

VICTOR OTTEN

8

KAVITA TEKCHANDANI

9

Attorneys for Plaintiffs

10

CORY SPENCER, DIANA MILENA

11

REED, and COASTAL PROTECTION

12

RANGERS, INC.

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE
Spencer, et al. v. Lunada Bay Boys, et al.
U.S.D.C. for the Central District of California
Case No. 2:16-cv-02129-SJO (RAOx)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is: 3620 Pacific Coast Highway, Suite 100, Torrance, CA 90505.

On June 5, 2017, I served the original or a true copy of the following document(s) described as:

PLAINTIFF CORY SPENCER RESPONSE TO SECOND SET OF INTERROGATORIES PROPOUNDED BY DEFENDANT FRANK FERRARA

on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

X BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Hanson Bridgett LLP's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on **June 5, 2017**, at Torrance, California.

/s/ Victor Otten

Victor Otten

SERVICE LIST

Spencer, et al. v. Lunada Bay Boys, et al.
U.S.D.C. for the Central District of California
Case No. 2:16-cv-02129-SJO (RAOx)

Robert T. Mackey, Esq. *(Attorneys for Defendant BRANT*
Peter H. Crossin, Esq. *BLAKEMAN)*

Richard P. Dieffenbach, Esq.
John P. Worgul, Esq. *(served original)*

VEATCH CARLSON, LLP
1055 Wilshire Blvd., 11th Floor
Los Angeles, CA 90017

Robert S. Cooper, Esq. *(Attorneys for Defendant BRANT*
BUCHALTER NEMER, APC *BLAKEMAN)*

1000 Wilshire Blvd., Suite 1500
Los Angeles, CA 90017 *(served true copy)*

J. Patrick Carey, Esq. *(Attorney for Defendant ALAN*
LAW OFFICES OF *JOHNSTON a/k/a JALIAN*
J. PATRICK CAREY *JOHNSTON)*

1230 Rosecrans Ave., Suite 300
Manhattan Beach, CA 90266 *(served true copy)*

Peter T. Haven, Esq. *(Attorney for Defendant MICHAEL*
HAVEN LAW *RAY PAPAYANS)*

1230 Rosecrans Ave., Suite 300
Manhattan Beach, CA 90266 *(served true copy)*

Dana Alden Fox, Esq. *(Attorneys for Defendant SANG LEE)*

Edward E. Ward, Jr., Esq.
Eric Y. Kizirian, Esq. *(served true copy)*

Tera Lutz, Esq.
LEWIS BRISBOIS
BISGAARD & SMITH LLP
633 W. 5th Street, Suite 4000
Los Angeles, CA 90071

1 Daniel M. Crowley, Esq. *(Attorneys for Defendant SANG LEE)*
2 BOOTH, MITCHEL &
3 STRANGE LLP *(served true copy)*
4 707 Wilshire Blvd., Suite 4450
Los Angeles, CA 90017

5 Mark C. Fields, Esq. *(Attorney for Defendant ANGELO*
6 LAW OFFICES OF *FERRARA and Defendant N. F.*
7 MARK C. FIELDS, APC *appearing through Guardian Ad*
8 333 South Hope Street, 35th Floor *Litem, Leonora Ferrara)*
Los Angeles, CA 90071
9 *(served true copy)*

10 Thomas M. Phillip, Esq. *(Attorneys for Defendant ANGELO*
11 Aaron G. Miller, Esq. *FERRARA)*
12 THE PHILLIPS FIRM
800 Wilshire Blvd., Suite 1550 *(served true copy)*
Los Angeles, CA 90017

13
14 Patrick Au, Esq. *(Attorneys for Defendants FRANK*
15 Laura L. Bell, Esq. *FERRARA and CHARLIE FERRARA)*
16 BREMER WHYTE
BROWN & O'MEARA, LLP *(served true copy)*
21271 Burbank Blvd., Suite 110
17 Woodland Hills, CA 91367

18
19 Edwin J. Richards, Esq. *(Attorneys for Defendants CITY OF*
20 Antoinette P. Hewitt, Esq. *PALOS VERDES and CHIEF OF*
21 Rebecca L. Wilson, Esq. *POLICE JEFF KEPLEY)*
Jacob Song, Esq. *(served true copy)*
22 Christopher D. Glos, Esq.
KUTAK ROCK LLP
5 Park Plaza, Suite 1500
23 Irvine, CA 92614-8595

1 HANSON BRIDGETT LLP
KURT A. FRANKLIN, SBN 172715
2 kfranklin@hansonbridgett.com
SAMANTHA WOLFF, SBN 240280
3 swolff@hansonbridgett.com
JENNIFER ANIKO FOLDVARY, SBN 292216
4 jfoldvary@hansonbridgett.com
425 Market Street, 26th Floor
5 San Francisco, California 94105
Telephone: (415) 777-3200
6 Facsimile: (415) 541-9366

7 HANSON BRIDGETT LLP
TYSON M. SHOWER, SBN 190375
8 tshower@hansonbridgett.com
LANDON D. BAILEY, SBN 240236
9 lbailey@hansonbridgett.com
500 Capitol Mall, Suite 1500
10 Sacramento, California 95814
Telephone: (916) 442-3333
11 Facsimile: (916) 442-2348

12 OTTEN LAW, PC
VICTOR OTTEN, SBN 165800
13 vic@ottenlawpc.com
KAVITA TEKCHANDANI, SBN 234873
14 kavita@ottenlawpc.com
3620 Pacific Coast Highway, #100
15 Torrance, California 90505
Telephone: (310) 378-8533
16 Facsimile: (310) 347-4225

17 Attorneys for Plaintiffs
CORY SPENCER, DIANA MILENA
18 REED, and COASTAL PROTECTION
RANGERS, INC.
19

20 **UNITED STATES DISTRICT COURT**
21 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
22

23 CORY SPENCER, an individual;
24 DIANA MILENA REED, an
individual; and COASTAL
25 PROTECTION RANGERS, INC., a
26 California non-profit public benefit
corporation,
27

28 Plaintiffs,

CASE NO. 2:16-cv-02129-SJO (RAOx)

**PLAINTIFF CORY SPENCER'S
RESPONSE TO SECOND SET OF
REQUESTS FOR PRODUCTION
PROPOUNDED BY DEFENDANT
FRANK FERRARA**

Case No. 2:16-cv-02129-SJO (RAOx)

PLAINTIFF CORY SPENCER'S RESPONSE TO SECOND SET OF REQUESTS FOR PRODUCTION
PROPOUNDED BY DEFENDANT FRANK FERRARA

Complaint Filed: March 29, 2016
Trial Date: November 7, 2017

v.

LUNADA BAY BOYS; THE
INDIVIDUAL MEMBERS OF THE
LUNADA BAY BOYS, including but
not limited to SANG LEE, BRANT
BLAKEMAN, ALAN JOHNSTON
AKA JALIAN JOHNSTON,
MICHAEL RAE PAPAYANS,
ANGELO FERRARA, FRANK
FERRARA, CHARLIE FERRARA,
and N. F.; CITY OF PALOS
VERDES ESTATES; CHIEF OF
POLICE JEFF KEPLEY, in his
representative capacity; and DOES
1-10,

Defendants.

PROPOUNDING PARTY: Defendant Frank Ferrara

RESPONDING PARTY: Plaintiff Cory Spencer

SET NO.: Two

Pursuant to Federal Rule of Civil Procedure 34, Plaintiff Cory Spencer
("Responding Party") submits these responses and objections to the Second
Set of Requests for Production propounded by Defendant Frank Ferrara
("Propounding Party").

PRELIMINARY STATEMENT

Nothing in this response should be construed as an admission by
Responding Party with respect to the admissibility or relevance of any fact or
document, or of the truth or accuracy of any characterization or statement of
any kind contained in Propounding Party's Requests for Production.
Responding Party has not completed his investigation of the facts relating to

1 this case, his discovery or his preparation for trial. All responses and
2 objections contained herein are based only upon such information and such
3 documents that are presently available to and specifically known by
4 Responding Party. It is anticipated that further discovery, independent
5 investigation, legal research and analysis will supply additional facts and add
6 meaning to known facts, as well as establish entirely new factual
7 conclusions and legal contentions, all of which may lead to substantial
8 additions to, changes in and variations from the responses set forth herein.
9 The following objections and responses are made without prejudice to
10 Responding Party's right to produce at trial, or otherwise, evidence
11 regarding any subsequently discovered documents. Responding Party
12 accordingly reserves the right to modify and amend any and all responses
13 herein as research is completed and contentions are made.

14 **GENERAL OBJECTIONS TO REQUESTS FOR PRODUCTION**

15 Responding Party generally objects to the Requests for Production as
16 follows:

17 A. Responding Party objects generally to the Requests for
18 Production to the extent that they seek to elicit information that is neither
19 relevant to the subject matter of this action, nor reasonably calculated to
20 lead to the discovery of admissible evidence;

21 B. Responding Party objects generally to the Requests for
22 Production to the extent that they are unreasonably overbroad in scope, and
23 thus burdensome and oppressive, in that each such request seeks
24 information pertaining to items and matters that are not relevant to the
25 subject matter of this action, or, if relevant, so remote therefrom as to make
26 its disclosure of little or no practical benefit to Propounding Party, while
27 placing a wholly unwarranted burden and expense on Responding Party in
28

1 locating, reviewing and producing the requested information;

2 C. Responding Party objects generally to the Requests for
3 Production to the extent that they are burdensome and oppressive, in that
4 ascertaining the information necessary to respond to them, and to produce
5 documents in accordance therewith, would require the review and
6 compilation of information from multiple locations, and voluminous records
7 and files, thereby involving substantial time of employees of Responding
8 Party and great expense to Responding Party, whereas the information
9 sought to be obtained by Propounding Party would be of little use or benefit
10 to Propounding Party;

11 D. Responding Party objects generally to the Requests for
12 Production to the extent that they are vague, uncertain and overbroad, being
13 without limitation as to time or specific subject matter;

14 E. Responding Party objects generally to the Requests for
15 Production to the extent that they seek information at least some of which is
16 protected by the attorney-client privilege or the attorney work-product
17 doctrine, or both;

18 F. Responding Party objects generally to the Requests for
19 Production to the extent that they seek to have Plaintiff furnish information
20 and identify documents that are a matter of the public record, and therefore,
21 are equally available to the propounding party as they are to Responding
22 Party; and

23 G. Responding Party objects generally to the Requests for
24 Production to the extent that they seek to have Responding Party furnish
25 information and identify documents that are proprietary to Responding Party
26 and contain confidential information.

27 Without waiver of the foregoing, Responding Party further responds as
28

1 follows:

2 **RESPONSES TO REQUESTS FOR PRODUCTION**

3 **REQUEST FOR PRODUCTION NO. 13:**

4 If YOUR response to Propounding Party's Request for Admission No.
5 3 was anything other than an unqualified admission, produce each and
6 every DOCUMENT RELATING TO said response.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

8 Responding Party objects to this request for production as premature.
9 Because this request for production necessarily relies upon a contention,
10 Responding Party is unable to provide a complete response at this time, nor
11 is it required to do so.

12 Responding Party further objects to this request on the grounds that it
13 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
14 with reasonable particularity each item or category of items to be inspected."
15 Propounding Party's request for production does not describe an item or
16 category of items with reasonable particularity.

17 Responding Party further objects to the extent that this request for
18 production invades attorney-client privilege and/or violates the work product
19 doctrine by compelling Responding Party to disclose privileged
20 communications and/or litigation strategy. Responding Party will not provide
21 any such privileged information.

22 Responding Party further objects to this request on the grounds that
23 this information is equally available to the Requesting Party, and some of the
24 documents are publically available.

25 Subject to and without waiver of the foregoing objections, Responding
26 Party responds as follows:

27 Responding Party directs the Defendant to Plaintiff's previous
28

1 productions. For any responsive documents, not already produced in
2 Plaintiff's prior discovery responses, Plaintiff is producing such documents.
3 (Responsive documents are collectively attached hereto as Exhibit A).

4 Additionally, Responding Party notes that discovery is ongoing, and
5 this contention-based interrogatory is poorly defined and premature. Thus,
6 Responding Party reserves the right to amend this response at the
7 appropriate time in the future if necessary.

8
9 **REQUEST FOR PRODUCTION NO. 14:**

10 If YOUR response to Propounding Party's Request for Admission No.
11 6 was anything other than an unqualified admission, produce each and
12 every DOCUMENT. RELATING TO said response.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

14 Responding Party objects to this request for production as premature.
15 Because this request for production necessarily relies upon a contention,
16 Responding Party is unable to provide a complete response at this time, nor
17 is it required to do so.

18 Responding Party further objects to this request on the grounds that it
19 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
20 with reasonable particularity each item or category of items to be inspected."
21 Propounding Party's request for production does not describe an item or
22 category of items with reasonable particularity.

23 Responding Party further objects to the extent that this request for
24 production invades attorney-client privilege and/or violates the work product
25 doctrine by compelling Responding Party to disclose privileged
26 communications and/or litigation strategy. Responding Party will not provide
27 any such privileged information.

28

1 Responding Party further objects to this request on the grounds that
2 this information is equally available to the Requesting Party, and some of the
3 documents are publically available.

4 Subject to and without waiver of the foregoing objections, Responding
5 Party responds as follows:

6 Responding Party directs the Defendant to Plaintiff's previous
7 productions. For any responsive documents, not already produced in
8 Plaintiff's prior discovery responses, Plaintiff is producing such documents.
9 (Responsive documents are collectively attached hereto as Exhibit A).

10 Additionally, Responding Party notes that discovery is ongoing, and
11 this contention-based interrogatory is poorly defined and premature. Thus,
12 Responding Party reserves the right to amend this response at the
13 appropriate time in the future if necessary.

14
15 **REQUEST FOR PRODUCTION NO. 15:**

16 If YOUR response to Propounding Party's Request for Admission No.
17 9 was anything other than an unqualified admission, produce each and
18 every DOCUMENT RELATING TO said response.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

20 Responding Party objects to this request for production as premature.
21 Because this request for production necessarily relies upon a contention,
22 Responding Party is unable to provide a complete response at this time, nor
23 is it required to do so.

24 Responding Party further objects to this request on the grounds that it
25 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
26 with reasonable particularity each item or category of items to be inspected."
27 Propounding Party's request for production does not describe an item or
28

1 category of items with reasonable particularity.

2 Responding Party further objects to the extent that this request for
3 production invades attorney-client privilege and/or violates the work product
4 doctrine by compelling Responding Party to disclose privileged
5 communications and/or litigation strategy. Responding Party will not provide
6 any such privileged information.

7 Responding Party further objects to this request on the grounds that
8 this information is equally available to the Requesting Party, and some of the
9 documents are publically available.

10 Subject to and without waiver of the foregoing objections, Responding
11 Party responds as follows:

12 Responding Party directs the Defendant to Plaintiff's previous
13 productions. For any responsive documents, not already produced in
14 Plaintiff's prior discovery responses, Plaintiff is producing such documents.
15 (Responsive documents are collectively attached hereto as Exhibit A).

16 Additionally, Responding Party notes that discovery is ongoing, and
17 this contention-based interrogatory is poorly defined and premature. Thus,
18 Responding Party reserves the right to amend this response at the
19 appropriate time in the future if necessary.

20
21 **REQUEST FOR PRODUCTION NO. 16:**

22 If YOUR response to Propounding Party's Request for Admission No.
23 12 was anything other than an unqualified admission, produce each and
24 every DOCUMENT RELATING TO said response.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

26 Responding Party objects to this request for production as premature.
27 Because this request for production necessarily relies upon a contention,
28

1 Responding Party is unable to provide a complete response at this time, nor
2 is it required to do so.

3 Responding Party further objects to this request on the grounds that it
4 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to “describe
5 with reasonable particularity each item or category of items to be inspected.”
6 Propounding Party’s request for production does not describe an item or
7 category of items with reasonable particularity.

8 Responding Party further objects to the extent that this request for
9 production invades attorney-client privilege and/or violates the work product
10 doctrine by compelling Responding Party to disclose privileged
11 communications and/or litigation strategy. Responding Party will not provide
12 any such privileged information.

13 Responding Party further objects to this request on the grounds that
14 this information is equally available to the Requesting Party, and some of the
15 documents are publically available.

16 Subject to and without waiver of the foregoing objections, Responding
17 Party responds as follows:

18 Responding Party directs the Defendant to Plaintiff's previous
19 productions. For any responsive documents, not already produced in
20 Plaintiff’s prior discovery responses, Plaintiff is producing such documents.
21 (Responsive documents are collectively attached hereto as Exhibit A).

22 Additionally, Responding Party notes that discovery is ongoing, and
23 this contention-based interrogatory is poorly defined and premature. Thus,
24 Responding Party reserves the right to amend this response at the
25 appropriate time in the future if necessary.

1 **REQUEST FOR PRODUCTION NO. 17:**

2 If YOUR response to Propounding Party's Request for Admission No.
3 15 was anything other than an unqualified admission, produce each and
4 every DOCUMENT RELATING TO said response.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

6 Responding Party objects to this request for production as premature.
7 Because this request for production necessarily relies upon a contention,
8 Responding Party is unable to provide a complete response at this time, nor
9 is it required to do so.

10 Responding Party further objects to this request on the grounds that it
11 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
12 with reasonable particularity each item or category of items to be inspected."
13 Propounding Party's request for production does not describe an item or
14 category of items with reasonable particularity.

15 Responding Party further objects to the extent that this request for
16 production invades attorney-client privilege and/or violates the work product
17 doctrine by compelling Responding Party to disclose privileged
18 communications and/or litigation strategy. Responding Party will not provide
19 any such privileged information.

20 Responding Party further objects to this request on the grounds that
21 this information is equally available to the Requesting Party, and some of the
22 documents are publically available.

23 Subject to and without waiver of the foregoing objections, Responding
24 Party responds as follows:

25 Responding Party directs the Defendant to Plaintiff's previous
26 productions. For any responsive documents, not already produced in
27 Plaintiff's prior discovery responses, Plaintiff is producing such documents.

28

1 (Responsive documents are collectively attached hereto as Exhibit A).

2 Additionally, Responding Party notes that discovery is ongoing, and
3 this contention-based interrogatory is poorly defined and premature. Thus,
4 Responding Party reserves the right to amend this response at the
5 appropriate time in the future if necessary.

6
7 **REQUEST FOR PRODUCTION NO. 18:**

8 If YOUR response to Propounding Party's Request for Admission No.
9 16 was anything other than an unqualified admission, produce each and
10 every DOCUMENT RELATING TO said response.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

12 Responding Party objects to this request for production as premature.
13 Because this request for production necessarily relies upon a contention,
14 Responding Party is unable to provide a complete response at this time, nor
15 is it required to do so.

16 Responding Party further objects to this request on the grounds that it
17 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
18 with reasonable particularity each item or category of items to be inspected."
19 Propounding Party's request for production does not describe an item or
20 category of items with reasonable particularity.

21 Responding Party further objects to the extent that this request for
22 production invades attorney-client privilege and/or violates the work product
23 doctrine by compelling Responding Party to disclose privileged
24 communications and/or litigation strategy. Responding Party will not provide
25 any such privileged information.

26 Responding Party further objects to this request on the grounds that
27 this information is equally available to the Requesting Party, and some of the
28

1 documents are publically available.

2 Subject to and without waiver of the foregoing objections, Responding
3 Party responds as follows:

4 Responding Party directs the Defendant to Plaintiff's previous
5 productions. For any responsive documents, not already produced in
6 Plaintiff's prior discovery responses, Plaintiff is producing such documents.
7 (Responsive documents are collectively attached hereto as Exhibit A).

8 Additionally, Responding Party notes that discovery is ongoing, and
9 this contention-based interrogatory is poorly defined and premature. Thus,
10 Responding Party reserves the right to amend this response at the
11 appropriate time in the future if necessary.

12

13 **REQUEST FOR PRODUCTION NO. 19:**

14 If YOUR response to Propounding Party's Request for Admission No.
15 17 was anything other than an unqualified admission, produce each and
16 every DOCUMENT RELATING TO said response.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

18 Responding Party objects to this request for production as premature.
19 Because this request for production necessarily relies upon a contention,
20 Responding Party is unable to provide a complete response at this time, nor
21 is it required to do so.

22 Responding Party further objects to this request on the grounds that it
23 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
24 with reasonable particularity each item or category of items to be inspected."
25 Propounding Party's request for production does not describe an item or
26 category of items with reasonable particularity.

27 Responding Party further objects to the extent that this request for
28

1 production invades attorney-client privilege and/or violates the work product
2 doctrine by compelling Responding Party to disclose privileged
3 communications and/or litigation strategy. Responding Party will not provide
4 any such privileged information.

5 Responding Party further objects to this request on the grounds that
6 this information is equally available to the Requesting Party, and some of the
7 documents are publically available.

8 Subject to and without waiver of the foregoing objections, Responding
9 Party responds as follows:

10 Responding Party directs the Defendant to Plaintiff's previous
11 productions. For any responsive documents, not already produced in
12 Plaintiff's prior discovery responses, Plaintiff is producing such documents.
13 (Responsive documents are collectively attached hereto as Exhibit A).

14 Additionally, Responding Party notes that discovery is ongoing, and
15 this contention-based interrogatory is poorly defined and premature. Thus,
16 Responding Party reserves the right to amend this response at the
17 appropriate time in the future if necessary.

18
19 **REQUEST FOR PRODUCTION NO. 20:**

20 If YOUR response to Propounding Party's Request for Admission No.
21 18 was anything other than an unqualified admission, produce each and
22 every DOCUMENT RELATING TO said response.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

24 Responding Party objects to this request for production as premature.
25 Because this request for production necessarily relies upon a contention,
26 Responding Party is unable to provide a complete response at this time, nor
27 is it required to do so.

28

1 Responding Party further objects to this request on the grounds that it
2 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to “describe
3 with reasonable particularity each item or category of items to be inspected.”
4 Propounding Party’s request for production does not describe an item or
5 category of items with reasonable particularity.

6 Responding Party further objects to the extent that this request for
7 production invades attorney-client privilege and/or violates the work product
8 doctrine by compelling Responding Party to disclose privileged
9 communications and/or litigation strategy. Responding Party will not provide
10 any such privileged information.

11 Responding Party further objects to this request on the grounds that
12 this information is equally available to the Requesting Party, and some of the
13 documents are publically available.

14 Subject to and without waiver of the foregoing objections, Responding
15 Party responds as follows:

16 Responding Party directs the Defendant to Plaintiff's previous
17 productions. For any responsive documents, not already produced in
18 Plaintiff’s prior discovery responses, Plaintiff is producing such documents.
19 (Responsive documents are collectively attached hereto as Exhibit A).

20 Additionally, Responding Party notes that discovery is ongoing, and
21 this contention-based interrogatory is poorly defined and premature. Thus,
22 Responding Party reserves the right to amend this response at the
23 appropriate time in the future if necessary.

24
25 **REQUEST FOR PRODUCTION NO. 21:**

26 If YOUR response to Propounding Party’s Request for Admission No.
27 19 was anything other than an unqualified admission, produce each and
28

1 every DOCUMENT RELATING TO said response.

2 **RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

3 Responding Party objects to this request for production as premature.
4 Because this request for production necessarily relies upon a contention,
5 Responding Party is unable to provide a complete response at this time, nor
6 is it required to do so.

7 Responding Party further objects to this request on the grounds that it
8 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to “describe
9 with reasonable particularity each item or category of items to be inspected.”
10 Propounding Party’s request for production does not describe an item or
11 category of items with reasonable particularity.

12 Responding Party further objects to the extent that this request for
13 production invades attorney-client privilege and/or violates the work product
14 doctrine by compelling Responding Party to disclose privileged
15 communications and/or litigation strategy. Responding Party will not provide
16 any such privileged information.

17 Responding Party further objects to this request on the grounds that
18 this information is equally available to the Requesting Party, and some of the
19 documents are publically available.

20 Subject to and without waiver of the foregoing objections, Responding
21 Party responds as follows:

22 Responding Party directs the Defendant to Plaintiff's previous
23 productions. For any responsive documents, not already produced in
24 Plaintiff’s prior discovery responses, Plaintiff is producing such documents.
25 (Responsive documents are collectively attached hereto as Exhibit A).

26 Additionally, Responding Party notes that discovery is ongoing, and
27 this contention-based interrogatory is poorly defined and premature. Thus,
28

1 Responding Party reserves the right to amend this response at the
2 appropriate time in the future if necessary.

3
4 **REQUEST FOR PRODUCTION NO. 22:**

5 If YOUR response to Propounding Party's Request for Admission No.
6 20 was anything other than an unqualified admission, produce each and
7 every DOCUMENT RELATING TO said response.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

9 Responding Party objects to this request for production as premature.
10 Because this request for production necessarily relies upon a contention,
11 Responding Party is unable to provide a complete response at this time, nor
12 is it required to do so.

13 Responding Party further objects to this request on the grounds that it
14 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
15 with reasonable particularity each item or category of items to be inspected."
16 Propounding Party's request for production does not describe an item or
17 category of items with reasonable particularity.

18 Responding Party further objects to the extent that this request for
19 production invades attorney-client privilege and/or violates the work product
20 doctrine by compelling Responding Party to disclose privileged
21 communications and/or litigation strategy. Responding Party will not provide
22 any such privileged information.

23 Responding Party further objects to this request on the grounds that
24 this information is equally available to the Requesting Party, and some of the
25 documents are publically available.

26 Subject to and without waiver of the foregoing objections, Responding
27 Party responds as follows:

1 Responding Party directs the Defendant to Plaintiff's previous
2 productions. For any responsive documents, not already produced in
3 Plaintiff's prior discovery responses, Plaintiff is producing such documents.
4 (Responsive documents are collectively attached hereto as Exhibit A).

5 Additionally, Responding Party notes that discovery is ongoing, and
6 this contention-based interrogatory is poorly defined and premature. Thus,
7 Responding Party reserves the right to amend this response at the
8 appropriate time in the future if necessary.

9
10 **REQUEST FOR PRODUCTION NO. 23:**

11 If YOUR response to Propounding Party's Request for Admission No.
12 21 was anything other than an unqualified admission, produce each and
13 every DOCUMENT RELATING TO said response.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

15 Responding Party objects to this request for production as premature.
16 Because this request for production necessarily relies upon a contention,
17 Responding Party is unable to provide a complete response at this time, nor
18 is it required to do so.

19 Responding Party further objects to this request on the grounds that it
20 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
21 with reasonable particularity each item or category of items to be inspected."
22 Propounding Party's request for production does not describe an item or
23 category of items with reasonable particularity.

24 Responding Party further objects to the extent that this request for
25 production invades attorney-client privilege and/or violates the work product
26 doctrine by compelling Responding Party to disclose privileged
27 communications and/or litigation strategy. Responding Party will not provide
28

1 any such privileged information.

2 Responding Party further objects to this request on the grounds that
3 this information is equally available to the Requesting Party, and some of the
4 documents are publically available.

5 Subject to and without waiver of the foregoing objections, Responding
6 Party responds as follows:

7 Responding Party directs the Defendant to Plaintiff's previous
8 productions. For any responsive documents, not already produced in
9 Plaintiff's prior discovery responses, Plaintiff is producing such documents.
10 (Responsive documents are collectively attached hereto as Exhibit A).

11 Additionally, Responding Party notes that discovery is ongoing, and
12 this contention-based interrogatory is poorly defined and premature. Thus,
13 Responding Party reserves the right to amend this response at the
14 appropriate time in the future if necessary.

15

16 **REQUEST FOR PRODUCTION NO. 24:**

17 If YOUR response to Propounding Party's Request for Admission No.
18 22 was anything other than an unqualified admission, produce each and
19 every DOCUMENT RELATING TO said response.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

21 Responding Party objects to this request for production as premature.
22 Because this request for production necessarily relies upon a contention,
23 Responding Party is unable to provide a complete response at this time, nor
24 is it required to do so.

25 Responding Party further objects to this request on the grounds that it
26 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
27 with reasonable particularity each item or category of items to be inspected."
28

1 Propounding Party's request for production does not describe an item or
2 category of items with reasonable particularity.

3 Responding Party further objects to the extent that this request for
4 production invades attorney-client privilege and/or violates the work product
5 doctrine by compelling Responding Party to disclose privileged
6 communications and/or litigation strategy. Responding Party will not provide
7 any such privileged information.

8 Responding Party further objects to this request on the grounds that
9 this information is equally available to the Requesting Party, and some of the
10 documents are publically available.

11 Subject to and without waiver of the foregoing objections, Responding
12 Party responds as follows:

13 Responding Party directs the Defendant to Plaintiff's previous
14 productions. For any responsive documents, not already produced in
15 Plaintiff's prior discovery responses, Plaintiff is producing such documents.
16 (Responsive documents are collectively attached hereto as Exhibit A).

17 Additionally, Responding Party notes that discovery is ongoing, and
18 this contention-based interrogatory is poorly defined and premature. Thus,
19 Responding Party reserves the right to amend this response at the
20 appropriate time in the future if necessary.

21
22 **REQUEST FOR PRODUCTION NO. 25:**

23 If YOUR response to Propounding Party's Request for Admission No.
24 23 was anything other than an unqualified admission, produce each and
25 every DOCUMENT RELATING TO said response.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 25:**

27 Responding Party objects to this request for production as premature.
28

1 Because this request for production necessarily relies upon a contention,
2 Responding Party is unable to provide a complete response at this time, nor
3 is it required to do so.

4 Responding Party further objects to this request on the grounds that it
5 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to “describe
6 with reasonable particularity each item or category of items to be inspected.”
7 Propounding Party’s request for production does not describe an item or
8 category of items with reasonable particularity.

9 Responding Party further objects to the extent that this request for
10 production invades attorney-client privilege and/or violates the work product
11 doctrine by compelling Responding Party to disclose privileged
12 communications and/or litigation strategy. Responding Party will not provide
13 any such privileged information.

14 Responding Party further objects to this request on the grounds that
15 this information is equally available to the Requesting Party, and some of the
16 documents are publically available.

17 Subject to and without waiver of the foregoing objections, Responding
18 Party responds as follows:

19 Responding Party directs the Defendant to Plaintiff's previous
20 productions. For any responsive documents, not already produced in
21 Plaintiff’s prior discovery responses, Plaintiff is producing such documents.
22 (Responsive documents are collectively attached hereto as Exhibit A).

23 Additionally, Responding Party notes that discovery is ongoing, and
24 this contention-based interrogatory is poorly defined and premature. Thus,
25 Responding Party reserves the right to amend this response at the
26 appropriate time in the future if necessary.

27
28

1 **REQUEST FOR PRODUCTION NO. 26:**

2 If YOUR response to Propounding Party's Request for Admission No.
3 24 was anything other than an unqualified admission, produce each and
4 every DOCUMENT RELATING TO said response.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

6 Responding Party objects to this request for production as premature.
7 Because this request for production necessarily relies upon a contention,
8 Responding Party is unable to provide a complete response at this time, nor
9 is it required to do so.

10 Responding Party further objects to this request on the grounds that it
11 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
12 with reasonable particularity each item or category of items to be inspected."
13 Propounding Party's request for production does not describe an item or
14 category of items with reasonable particularity.

15 Responding Party further objects to the extent that this request for
16 production invades attorney-client privilege and/or violates the work product
17 doctrine by compelling Responding Party to disclose privileged
18 communications and/or litigation strategy. Responding Party will not provide
19 any such privileged information.

20 Responding Party further objects to this request on the grounds that
21 this information is equally available to the Requesting Party, and some of the
22 documents are publically available.

23 Subject to and without waiver of the foregoing objections, Responding
24 Party responds as follows:

25 Responding Party directs the Defendant to Plaintiff's previous
26 productions. For any responsive documents, not already produced in
27 Plaintiff's prior discovery responses, Plaintiff is producing such documents.

28

1 (Responsive documents are collectively attached hereto as Exhibit A).

2 Additionally, Responding Party notes that discovery is ongoing, and
3 this contention-based interrogatory is poorly defined and premature. Thus,
4 Responding Party reserves the right to amend this response at the
5 appropriate time in the future if necessary.

6
7 **REQUEST FOR PRODUCTION NO. 27:**

8 If YOUR response to Propounding Party's Request for Admission No.
9 25 was anything other than an unqualified admission, produce each and
10 every DOCUMENT RELATING TO said response.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 27:**

12 Responding Party objects to this request for production as premature.
13 Because this request for production necessarily relies upon a contention,
14 Responding Party is unable to provide a complete response at this time, nor
15 is it required to do so.

16 Responding Party further objects to this request on the grounds that it
17 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
18 with reasonable particularity each item or category of items to be inspected."
19 Propounding Party's request for production does not describe an item or
20 category of items with reasonable particularity.

21 Responding Party further objects to the extent that this request for
22 production invades attorney-client privilege and/or violates the work product
23 doctrine by compelling Responding Party to disclose privileged
24 communications and/or litigation strategy. Responding Party will not provide
25 any such privileged information.

26 Responding Party further objects to this request on the grounds that
27 this information is equally available to the Requesting Party, and some of the
28

1 documents are publically available.

2 Subject to and without waiver of the foregoing objections, Responding
3 Party responds as follows:

4 Responding Party directs the Defendant to Plaintiff's previous
5 productions. For any responsive documents, not already produced in
6 Plaintiff's prior discovery responses, Plaintiff is producing such documents.
7 (Responsive documents are collectively attached hereto as Exhibit A).

8 Additionally, Responding Party notes that discovery is ongoing, and
9 this contention-based interrogatory is poorly defined and premature. Thus,
10 Responding Party reserves the right to amend this response at the
11 appropriate time in the future if necessary.

12

13 DATED: May 31, 2017

OTTEN LAW, PC

14

15

16

By: /s/Victor Otten

17

VICTOR OTTEN

18

KAVITA TEKCHANDANI

19

Attorneys for Plaintiffs

20

CORY SPENCER, DIANA MILENA
REED, and COASTAL PROTECTION
RANGERS, INC.

21

22

23

24

25

26

27

28

PROOF OF SERVICE
Spencer, et al. v. Lunada Bay Boys, et al.
U.S.D.C. for the Central District of California
Case No. 2:16-cv-02129-SJO (RAOx)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is: 3620 Pacific Coast Highway, Suite 100, Torrance, CA 90505.

On June 5, 2017, I served the original or a true copy of the following document(s) described as:

PLAINTIFF CORY SPENCER'S RESPONSE TO SECOND SET OF REQUESTS FOR PRODUCTION PROPOUNDED BY DEFENDANT FRANK FERRARA

on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

X BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Hanson Bridgett LLP's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on **June 5, 2017**, at Torrance, California.

/s/ Victor Otten

Victor Otten

SERVICE LIST
Spencer, et al. v. Lunada Bay Boys, et al.
U.S.D.C. for the Central District of California
Case No. 2:16-cv-02129-SJO (RAOx)

Robert T. Mackey, Esq. (Attorneys for Defendant BRANT
Peter H. Crossin, Esq. BLAKEMAN)
Richard P. Dieffenbach, Esq.
John P. Worgul, Esq. (served original)
VEATCH CARLSON, LLP
1055 Wilshire Blvd., 11th Floor
Los Angeles, CA 90017

Robert S. Cooper, Esq. (Attorneys for Defendant BRANT
BUCHALTER NEMER, APC BLAKEMAN)
1000 Wilshire Blvd., Suite 1500
Los Angeles, CA 90017 (served true copy)

J. Patrick Carey, Esq. (Attorney for Defendant ALAN
LAW OFFICES OF JOHNSTON a/k/a JALIAN
J. PATRICK CAREY JOHNSTON)
1230 Rosecrans Ave., Suite 300
Manhattan Beach, CA 90266 (served true copy)

Peter T. Haven, Esq. (Attorney for Defendant MICHAEL
HAVEN LAW RAY PAPAYANS)
1230 Rosecrans Ave., Suite 300
Manhattan Beach, CA 90266 (served true copy)

Dana Alden Fox, Esq. (Attorneys for Defendant SANG LEE)
Edward E. Ward, Jr., Esq.
Eric Y. Kizirian, Esq. (served true copy)
Tera Lutz, Esq.
LEWIS BRISBOIS
BISGAARD & SMITH LLP
633 W. 5th Street, Suite 4000
Los Angeles, CA 90071

1 Daniel M. Crowley, Esq. *(Attorneys for Defendant SANG LEE)*
2 BOOTH, MITCHEL &
3 STRANGE LLP *(served true copy)*
4 707 Wilshire Blvd., Suite 4450
Los Angeles, CA 90017

5 Mark C. Fields, Esq. *(Attorney for Defendant ANGELO*
6 LAW OFFICES OF *FERRARA and Defendant N. F.*
7 MARK C. FIELDS, APC *appearing through Guardian Ad*
8 333 South Hope Street, 35th Floor *Litem, Leonora Ferrara)*
9 Los Angeles, CA 90071
10 *(served true copy)*

11 Thomas M. Phillip, Esq. *(Attorneys for Defendant ANGELO*
12 Aaron G. Miller, Esq. *FERRARA)*
13 THE PHILLIPS FIRM
14 800 Wilshire Blvd., Suite 1550 *(served true copy)*
15 Los Angeles, CA 90017

16 Patrick Au, Esq. *(Attorneys for Defendants FRANK*
17 Laura L. Bell, Esq. *FERRARA and CHARLIE FERRARA)*
18 BREMER WHYTE
19 BROWN & O'MEARA, LLP *(served true copy)*
20 21271 Burbank Blvd., Suite 110
21 Woodland Hills, CA 91367

22 Edwin J. Richards, Esq. *(Attorneys for Defendants CITY OF*
23 Antoinette P. Hewitt, Esq. *PALOS VERDES and CHIEF OF*
24 Rebecca L. Wilson, Esq. *POLICE JEFF KEPLEY)*
25 Jacob Song, Esq.
26 Christopher D. Glos, Esq. *(served true copy)*
27 KUTAK ROCK LLP
28 5 Park Plaza, Suite 1500
Irvine, CA 92614-8595

1 HANSON BRIDGETT LLP
KURT A. FRANKLIN, SBN 172715
2 kfranklin@hansonbridgett.com
SAMANTHA WOLFF, SBN 240280
3 swolff@hansonbridgett.com
JENNIFER ANIKO FOLDVARY, SBN 292216
4 jfoldvary@hansonbridgett.com
425 Market Street, 26th Floor
5 San Francisco, California 94105
Telephone: (415) 777-3200
6 Facsimile: (415) 541-9366

7 HANSON BRIDGETT LLP
TYSON M. SHOWER, SBN 190375
8 tshower@hansonbridgett.com
LANDON D. BAILEY, SBN 240236
9 lbailey@hansonbridgett.com
500 Capitol Mall, Suite 1500
10 Sacramento, California 95814
Telephone: (916) 442-3333
11 Facsimile: (916) 442-2348

12 OTTEN LAW, PC
VICTOR OTTEN, SBN 165800
13 vic@ottenlawpc.com
KAVITA TEKCHANDANI, SBN 234873
14 kavita@ottenlawpc.com
3620 Pacific Coast Highway, #100
15 Torrance, California 90505
Telephone: (310) 378-8533
16 Facsimile: (310) 347-4225

17 Attorneys for Plaintiffs
CORY SPENCER, DIANA MILENA
18 REED, and COASTAL PROTECTION
RANGERS, INC.
19

20 **UNITED STATES DISTRICT COURT**
21 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
22

23 CORY SPENCER, an individual;
24 DIANA MILENA REED, an
individual; and COASTAL
25 PROTECTION RANGERS, INC., a
26 California non-profit public benefit
corporation,
27

28 Plaintiffs,

CASE NO. 2:16-cv-02129-SJO (RAOx)

**PLAINTIFF DIANA MILENA REED'S
RESPONSE TO FIRST SET OF
REQUESTS FOR ADMISSION
PROPOUNDED BY DEFENDANT
FRANK FERRARA**

Case No. 2:16-cv-02129-SJO (RAOx)

PLAINTIFF DIANA MILENA REED'S RESPONSE TO FIRST SET OF REQUESTS FOR ADMISSION
PROPOUNDED BY DEFENDANT FRANK FERRARA

Complaint Filed: March 29, 2016
Trial Date: November 7, 2017

v.

LUNADA BAY BOYS; THE
INDIVIDUAL MEMBERS OF THE
LUNADA BAY BOYS, including but
not limited to SANG LEE, BRANT
BLAKEMAN, ALAN JOHNSTON
AKA JALIAN JOHNSTON,
MICHAEL RAE PAPAYANS,
ANGELO FERRARA, FRANK
FERRARA, CHARLIE FERRARA,
and N. F.; CITY OF PALOS
VERDES ESTATES; CHIEF OF
POLICE JEFF KEPLEY, in his
representative capacity; and DOES
1-10,

Defendants.

PROPOUNDING PARTY: Defendant Frank Ferrara

RESPONDING PARTY: Plaintiff Diana Milena Reed

SET NO.: One

Pursuant to Rule 36 of the Federal Rules of Civil Procedure, Plaintiff
Diana Milena Reed ("Responding Party") hereby submits these objections
and responses to the First Set of Requests for Admission propounded by
Defendant Frank Ferrara ("Propounding Party").

PRELIMINARY STATEMENT

Nothing in this response should be construed as an admission by
Responding Party with respect to the admissibility or relevance of any fact or
document, or of the truth or accuracy of any characterization or statement of
any kind contained in Propounding Party's Requests for Admission.

Responding Party has not completed her investigation of the facts relating to

1 this case, her discovery or her preparation for trial. All responses and
2 objections contained herein are based only upon information that is
3 presently available to and specifically known by Responding Party. It is
4 anticipated that further discovery, independent investigation, legal research
5 and analysis will supply additional facts and add meaning to known facts, as
6 well as establish entirely new factual conclusions and legal contentions, all
7 of which may lead to substantial additions to, changes in and variations from
8 the responses set forth herein. The following objections and responses are
9 made without prejudice to Responding Party's right to produce at trial, or
10 otherwise, evidence regarding any subsequently discovered information.
11 Responding Party accordingly reserves the right to modify and amend any
12 and all responses herein as research is completed and contentions are
13 made.

14 **GENERAL OBJECTIONS**

15 Responding Party generally objects to the Requests for Admission as
16 follows:

- 17 1. Responding Party objects generally to the Requests for
18 Admission to the extent that they seek to elicit information that is neither
19 relevant to the subject matter of this action, nor reasonably calculated to
20 lead to the discovery of admissible evidence;
- 21 2. Responding Party objects generally to the Requests for
22 Admission to the extent that they are unreasonably overbroad in scope, and
23 thus burdensome and oppressive, in that each such request seeks
24 information pertaining to items and matters that are not relevant to the
25 subject matter of this action, or, if relevant, so remote therefrom as to make
26 its disclosure of little or no practical benefit to Propounding Party, while
27 placing a wholly unwarranted burden and expense on Responding Party in
28

1 locating, reviewing and producing the requested information;

2 3. Responding Party objects generally to the Requests for
3 Admission to the extent that they are burdensome and oppressive, in that
4 ascertaining the information necessary to respond to them would require the
5 review and compilation of information from multiple locations, and
6 voluminous records and files, thereby involving substantial time of
7 employees of Responding Party and great expense to Responding Party,
8 whereas the information sought to be obtained by Propounding Party would
9 be of little use or benefit to Propounding Party;

10 4. Responding Party objects generally to the Requests for
11 Admission to the extent that they are vague, uncertain and overbroad, being
12 without limitation as to time or specific subject matter;

13 5. Responding Party objects generally to the Requests for
14 Admission to the extent that they seek information at least some of which is
15 protected by the attorney-client privilege or the attorney work-product
16 doctrine, or both;

17 6. Responding Party objects generally to the Requests for
18 Admission to the extent that they seek to have Responding Party furnish
19 information that is a matter of the public record, and therefore, is equally
20 available to the propounding party as to Responding Party; and

21 7. Responding Party objects generally to the Requests for
22 Admission to the extent that they seek to have Responding Party furnish
23 information that is proprietary to Responding Party and contain confidential
24 information.

25 8. Responding Party expressly incorporates each of the foregoing
26 General Objections into each specific response to the requests set forth
27 below as if set forth in full therein. An answer to a request is not intended to
28

1 be a waiver of any applicable specific or general objection to such request.

2 Without waiver of the foregoing, Responding Party further responds as
3 follows:

4 **RESPONSES TO REQUESTS FOR ADMISSION**

5 **REQUEST FOR ADMISSION NO. 1:**

6 Admit YOU have no facts that support YOUR First Cause of Action for
7 Bane Act against Propounding Party as alleged in YOUR COMPLAINT.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 1:**

9 Without waiving set objections, Plaintiff responds as follows: Denial

10
11 **REQUEST FOR ADMISSION NO. 2:**

12 Admit YOU can IDENTIFY no PERSONS with knowledge to support
13 YOUR First Cause of Action for Bane Act against Propounding Party as
14 alleged in YOUR COMPLAINT.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 2:**

16 Without waiving set objections, Plaintiff responds as follows: Denial

17
18 **REQUEST FOR ADMISSION NO. 3:**

19 Admit YOU can IDENTIFY no DOCUMENTS to support YOUR First
20 Cause of Action for Bane Act against Propounding Party as alleged in
21 YOUR COMPLAINT.

22 **RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

23 Without waiving set objections, Plaintiff responds as follows: Denial

24
25 **REQUEST FOR ADMISSION NO. 4:**

26 Admit YOU have no facts that support YOUR Second Cause of Action
27 for Public Nuisance against Propounding Party as alleged in YOUR
28

1 COMPLAINT.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

3 Without waiving set objections, Plaintiff responds as follows: Denial

4

5 **REQUEST FOR ADMISSION NO. 5:**

6 Admit YOU can IDENTIFY no PERSONS with knowledge to support
7 YOUR Second Cause of Action for Public Nuisance against Propounding
8 Party as alleged in YOUR COMPLAINT.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 5:**

10 Without waiving set objections, Plaintiff responds as follows: Denial

11

12 **REQUEST FOR ADMISSION NO. 6:**

13 Admit YOU can IDENTIFY no DOCUMENTS to support YOUR
14 Second Cause of Action for Public Nuisance against Propounding Party as
15 alleged in YOUR COMPLAINT.

16 **RESPONSE TO REQUEST FOR ADMISSION NO. 6:**

17 Without waiving set objections, Plaintiff responds as follows: Denial

18

19 **REQUEST FOR ADMISSION NO. 7:**

20 Admit YOU have no facts that support YOUR Sixth Cause of Action for
21 Assault against Propounding Party as alleged in YOUR COMPLAINT.

22 **RESPONSE TO REQUEST FOR ADMISSION NO. 7:**

23 Without waiving set objections, Plaintiff responds as follows: Denial

24

25 **REQUEST FOR ADMISSION NO. 8:**

26 Admit YOU can IDENTIFY no PERSONS with knowledge to support
27 YOUR Sixth Cause of Action for Assault against Propounding Party as
28

1 alleged in YOUR COMPLAINT.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 8:**

3 Without waiving set objections, Plaintiff responds as follows: Denial

5 **REQUEST FOR ADMISSION NO. 9:**

6 Admit YOU can IDENTIFY no DOCUMENTS to support YOUR Sixth
7 Cause of Action for Assault against Propounding Party as alleged in YOUR
8 COMPLAINT.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 9:**

10 Without waiving set objections, Plaintiff responds as follows: Denial

12 **REQUEST FOR ADMISSION NO. 10:**

13 Admit YOU have no facts that support YOUR Seventh Cause of Action
14 for Battery against Propounding Party as alleged in YOUR COMPLAINT.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 10:**

16 Without waiving set objections, Plaintiff responds as follows: Denial

18 **REQUEST FOR ADMISSION NO. 11:**

19 Admit YOU can IDENTIFY no PERSONS with knowledge to support
20 YOUR Seventh Cause of Action for Battery against Propounding Party as
21 alleged in YOUR COMPLAINT.

22 **RESPONSE TO REQUEST FOR ADMISSION NO. 11:**

23 Without waiving set objections, Plaintiff responds as follows: Denial

25 **REQUEST FOR ADMISSION NO. 12:**

26 Admit YOU can IDENTIFY no DOCUMENTS to support YOUR
27 Seventh Cause of Action for Battery against Propounding Party as alleged in
28

1 YOUR COMPLAINT.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 12:**

3 Without waiving set objections, Plaintiff responds as follows: Denial

4

5 **REQUEST FOR ADMISSION NO. 13:**

6 Admit YOU have no facts that support YOUR Eighth Cause of Action
7 for Negligence against Propounding Party as alleged in YOUR
8 COMPLAINT.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 13:**

10 Without waiving set objections, Plaintiff responds as follows: Denial

11

12 **REQUEST FOR ADMISSION NO. 14:**

13 Admit YOU can IDENTIFY no PERSONS with knowledge to support
14 YOUR Eighth Cause of Action for Negligence against Propounding Party as
15 alleged in YOUR COMPLAINT.

16 **RESPONSE TO REQUEST FOR ADMISSION NO. 14:**

17 Without waiving set objections, Plaintiff responds as follows: Denial

18

19 **REQUEST FOR ADMISSION NO. 15:**

20 Admit YOU can IDENTIFY no DOCUMENTS to support YOUR Eighth
21 Cause of Action for Negligence against Propounding Party as alleged in
22 YOUR COMPLAINT.

23 **RESPONSE TO REQUEST FOR ADMISSION NO. 15:**

24 Without waiving set objections, Plaintiff responds as follows: Denial

25

26 **REQUEST FOR ADMISSION NO. 16:**

27 Admit that, prior to filing YOUR COMPLAINT, YOU never met

28

1 Propounding Party.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 16:**

3 Without waiving set objections, Plaintiff responds as follows: Denial

4

5 **REQUEST FOR ADMISSION NO. 17:**

6 Admit Propounding Party has never harassed YOU.

7 **RESPONSE TO REQUEST FOR ADMISSION NO. 17:**

8 Without waiving set objections, Plaintiff responds as follows: Denial

9

10 **REQUEST FOR ADMISSION NO. 18:**

11 Admit Propounding Party has never caused YOU any pain or suffering.

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 18:**

13 Without waiving set objections, Plaintiff responds as follows: Denial

14

15 **REQUEST FOR ADMISSION NO. 19:**

16 Admit YOU have no personal knowledge of Propounding Party ever
17 being involved in any incident of harassment at Lunada Bay at any time.

18 **RESPONSE TO REQUEST FOR ADMISSION NO. 19:**

19 Without waiving set objections, Plaintiff responds as follows: Denial

20

21 **REQUEST FOR ADMISSION NO. 20:**

22 Admit YOU have no personal knowledge of Propounding Party ever
23 being involved in any incident of violence at Lunada Bay at any time.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 20:**

25 Without waiving set objections, Plaintiff responds as follows: Denial

26

27

28

1 **REQUEST FOR ADMISSION NO. 21:**

2 Admit YOU have no personal knowledge of Propounding Party ever
3 being involved in any incident of vandalism at Lunada Bay at any time.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 21:**

5 Without waiving set objections, Plaintiff responds as follows: Denial
6

7 **REQUEST FOR ADMISSION NO. 22:**

8 Admit that Propounding Party, Frank Ferrara, is not the “dad” or
9 “father” referenced and/or mentioned by the male individual in the audio
10 recording YOU identified at Volume One, Page 18 of YOUR deposition
11 taken in this matter on October 24, 2016. (A true and correct copy of Page
12 18, Volume One of YOUR deposition is attached hereto as Exhibit A.)

13 **RESPONSE TO REQUEST FOR ADMISSION NO. 22:**

14 Without waiving set objections, Plaintiff responds as follows: Denial
15

16 **REQUEST FOR ADMISSION NO. 23:**

17 Admit YOU have no personal knowledge that Propounding Party,
18 Frank Ferrara, is the “dad” or “father” referenced and/or mentioned by the
19 male individual in the audio recording that YOU identified at Volume One,
20 Page 18 of YOUR deposition taken in this matter on October 24, 2016.

21 **RESPONSE TO REQUEST FOR ADMISSION NO. 23:**

22 Without waiving set objections, Plaintiff responds as follows: Denial
23

24 **REQUEST FOR ADMISSION NO. 24:**

25 Admit YOU have never seen Propounding Party at Lunada Bay at any
26 time YOU have visited Lunada Bay at any location of Lunada Bay.
27
28

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 24:**

2 Without waiving set objections, Plaintiff responds as follows: Denial

3
4 DATED: May 31, 2017

OTTEN LAW, PC

5
6
7 By: /s/Victor Otten

VICTOR OTTEN

8 KAVITA TEKCHANDANI

9 Attorneys for Plaintiffs

10 CORY SPENCER, DIANA MILENA

11 REED, and COASTAL PROTECTION

12 RANGERS, INC.

PROOF OF SERVICE
Spencer, et al. v. Lunada Bay Boys, et al.
U.S.D.C. for the Central District of California

Case No. 2:16-cv-02129-SJO (RAOx)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is: 3620 Pacific Coast Highway, Suite 100, Torrance, CA 90505.

On June 5, 2017, I served the original or a true copy of the following document(s) described as:

PLAINTIFF DIANA MILENA REED'S RESPONSE TO FIRST SET OF REQUESTS FOR ADMISSION PROPOUNDED BY DEFENDANT FRANK FERRARA

on the interested parties in this action as follows:
SEE ATTACHED SERVICE LIST

X BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Hanson Bridgett LLP's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on **June 5, 2017**, at Torrance, California.

/s/Victor Otten

Victor Otten

SERVICE LIST

Spencer, et al. v. Lunada Bay Boys, et al.
U.S.D.C. for the Central District of California
Case No. 2:16-cv-02129-SJO (RAOx)

Robert T. Mackey, Esq. *(Attorneys for Defendant BRANT*
Peter H. Crossin, Esq. *BLAKEMAN)*
Richard P. Dieffenbach, Esq. *(served original)*
John P. Worgul, Esq.
VEATCH CARLSON, LLP
1055 Wilshire Blvd., 11th Floor
Los Angeles, CA 90017

Robert S. Cooper, Esq. *(Attorneys for Defendant BRANT*
BUCHALTER NEMER, APC *BLAKEMAN)*
1000 Wilshire Blvd., Suite 1500 *(served true copy)*
Los Angeles, CA 90017

J. Patrick Carey, Esq. *(Attorney for Defendant ALAN*
LAW OFFICES OF *JOHNSTON a/k/a JALIAN*
J. PATRICK CAREY *JOHNSTON)*
1230 Rosecrans Ave., Suite 300 *(served true copy)*
Manhattan Beach, CA 90266

Peter T. Haven, Esq. *(Attorney for Defendant MICHAEL*
HAVEN LAW *RAY PAPAYANS)*
1230 Rosecrans Ave., Suite 300 *(served true copy)*
Manhattan Beach, CA 90266

Dana Alden Fox, Esq. *(Attorneys for Defendant SANG LEE)*
Edward E. Ward, Jr., Esq. *(served true copy)*
Eric Y. Kizirian, Esq.
Tera Lutz, Esq.
LEWIS BRISBOIS
BISGAARD & SMITH LLP
633 W. 5th Street, Suite 4000
Los Angeles, CA 90071

Daniel M. Crowley, Esq. *(Attorneys for Defendant SANG LEE)*
BOOTH, MITCHEL & *(served true copy)*
STRANGE LLP
707 Wilshire Blvd., Suite 4450
Los Angeles, CA 90017

Mark C. Fields, Esq. *(Attorney for Defendant ANGELO*
LAW OFFICES OF *FERRARA and Defendant N. F.*
MARK C. FIELDS, APC *appearing through Guardian Ad*
333 South Hope Street, 35th Floor *Liteam, Leonora Ferrara)*
Los Angeles, CA 90071 *(served true copy)*

1 Thomas M. Phillip, Esq.
2 Aaron G. Miller, Esq.
3 THE PHILLIPS FIRM
800 Wilshire Blvd., Suite 1550
Los Angeles. CA 90017

*(Attorneys for Defendant ANGELO
FERRARA)*
(served true copy)

4 Patrick Au, Esq.
5 Laura L. Bell, Esq.
6 BREMER WHYTE
BROWN & O'MEARA, LLP
21271 Burbank Blvd., Suite 110
Woodland Hills. CA 91367

*(Attorneys for Defendants FRANK
FERRARA and CHARLIE FERRARA)*
(served true copy)

7 Edwin J. Richards, Esq.
8 Antoinette P. Hewitt, Esq.
9 Rebecca L. Wilson, Esq.
10 Jacob Song, Esq.
11 Christopher D. Glos, Esq.
KUTAK ROCK LLP
5 Park Plaza, Suite 1500
Irvine. CA 92614-8595

*(Attorneys for Defendants CITY OF
PALOS VERDES and CHIEF OF
POLICE JEFF KEPLEY)*
(served true copy)

1 HANSON BRIDGETT LLP
KURT A. FRANKLIN, SBN 172715
2 kfranklin@hansonbridgett.com
SAMANTHA WOLFF, SBN 240280
3 swolff@hansonbridgett.com
JENNIFER ANIKO FOLDVARY, SBN 292216
4 jfoldvary@hansonbridgett.com
425 Market Street, 26th Floor
5 San Francisco, California 94105
Telephone: (415) 777-3200
6 Facsimile: (415) 541-9366

7 HANSON BRIDGETT LLP
TYSON M. SHOWER, SBN 190375
8 tshower@hansonbridgett.com
LANDON D. BAILEY, SBN 240236
9 lbailey@hansonbridgett.com
500 Capitol Mall, Suite 1500
10 Sacramento, California 95814
Telephone: (916) 442-3333
11 Facsimile: (916) 442-2348

12 OTTEN LAW, PC
VICTOR OTTEN, SBN 165800
13 vic@ottenlawpc.com
KAVITA TEKCHANDANI, SBN 234873
14 kavita@ottenlawpc.com
3620 Pacific Coast Highway, #100
15 Torrance, California 90505
Telephone: (310) 378-8533
16 Facsimile: (310) 347-4225

17 Attorneys for Plaintiffs
CORY SPENCER, DIANA MILENA
18 REED, and COASTAL PROTECTION
RANGERS, INC.
19

20 **UNITED STATES DISTRICT COURT**
21 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
22

23 CORY SPENCER, an individual;
24 DIANA MILENA REED, an
individual; and COASTAL
25 PROTECTION RANGERS, INC., a
26 California non-profit public benefit
corporation,
27

28 Plaintiffs,

CASE NO. 2:16-cv-02129-SJO (RAOx)

**PLAINTIFF DIANA MILENA REED'S
RESPONSE TO SECOND SET OF
INTERROGATORIES PROPOUNDED
BY DEFENDANT FRANK FERRARA**

Complaint Filed: March 29, 2016

Case No. 2:16-cv-02129-SJO (RAOx)

PLAINTIFF DIANA MILENA REED'S RESPONSE TO SECOND SET OF INTERROGATORIES
PROPOUNDED BY DEFENDANT FRANK FERRARA

Trial Date: November 7, 2017

v.

LUNADA BAY BOYS; THE
INDIVIDUAL MEMBERS OF THE
LUNADA BAY BOYS, including but
not limited to SANG LEE, BRANT
BLAKEMAN, ALAN JOHNSTON
AKA JALIAN JOHNSTON,
MICHAEL RAE PAPAYANS,
ANGELO FERRARA, FRANK
FERRARA, CHARLIE FERRARA,
and N. F.; CITY OF PALOS
VERDES ESTATES; CHIEF OF
POLICE JEFF KEPLEY, in his
representative capacity; and DOES
1-10,

Defendants.

PROPOUNDING PARTY: Defendant Frank Ferrara

RESPONDING PARTY: Plaintiff Diana Milena Reed

SET NO.: Two

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Plaintiff
Diana Milena Reed ("Responding Party") hereby submits these objections
and responses to the Second Set of Interrogatories propounded by
Defendant Frank Ferrara ("Propounding Party").

PRELIMINARY STATEMENT

Nothing in this response should be construed as an admission by
Responding Party with respect to the admissibility or relevance of any fact,
or of the truth or accuracy of any characterization or statement of any kind
contained in Propounding Party's Interrogatories. Responding Party has not
completed her investigation of the facts relating to this case, her discovery or

her preparation for trial. All responses and objections contained herein are based only upon information that is presently available to and specifically known by Responding Party. It is anticipated that further discovery, independent investigation, legal research and analysis will supply additional facts and add meaning to known facts, as well as establish entirely new factual conclusions and legal contentions, all of which may lead to substantial additions to, changes in and variations from the responses set forth herein. The following objections and responses are made without prejudice to Responding Party's right to produce at trial, or otherwise, evidence regarding any subsequently discovered information. Responding Party accordingly reserves the right to modify and amend any and all responses herein as research is completed and contentions are made.

GENERAL OBJECTIONS

Responding Party generally objects to the Interrogatories as follows:

1. Responding Party objects generally to the Interrogatories to the extent that they seek to elicit information that is neither relevant to the subject matter of this action, nor reasonably calculated to lead to the discovery of admissible evidence;

2. Responding Party objects generally to the Interrogatories to the extent that they are unreasonably overbroad in scope, and thus burdensome and oppressive, in that each such request seeks information pertaining to items and matters that are not relevant to the subject matter of this action, or, if relevant, so remote therefrom as to make its disclosure of little or no practical benefit to Propounding Party, while placing a wholly unwarranted burden and expense on Responding Party in locating, reviewing and producing the requested information;

3. Responding Party objects generally to the Interrogatories to the

1 extent that they are burdensome and oppressive, in that ascertaining the
2 information necessary to respond to them would require the review and
3 compilation of information from multiple locations, and voluminous records
4 and files, thereby involving substantial time of employees of Responding
5 Party and great expense to Responding Party, whereas the information
6 sought to be obtained by Propounding Party would be of little use or benefit
7 to Propounding Party;

8 4. Responding Party objects generally to the Interrogatories to the
9 extent that they are vague, uncertain and overbroad, being without limitation
10 as to time or specific subject matter;

11 5. Responding Party objects generally to the Interrogatories to the
12 extent that they seek information at least some of which is protected by the
13 attorney-client privilege or the attorney work-product doctrine, or both;

14 6. Responding Party objects generally to the Interrogatories to the
15 extent that they seek to have Responding Party furnish information that is a
16 matter of the public record, and therefore, is equally available to the
17 propounding party as to Responding Party; and

18 7. Responding Party objects generally to the Interrogatories to the
19 extent that they seek to have Responding Party furnish information that is
20 proprietary to Responding Party and contain confidential information.

21 8. Responding Party objects to the interrogatories, and to any
22 individual interrogatory set forth therein, to the extent that they are
23 compound and constitute an impermissible effort to circumvent the 25
24 interrogatory limit set by Rule 33 of the Federal Rules of Civil Procedure.

25 9. Responding Party expressly incorporates each of the foregoing
26 General Objections into each specific response to the requests set forth
27 below as if set forth in full therein. An answer to a request is not intended to
28

1 be a waiver of any applicable specific or general objection to such request.

2 Without waiver of the foregoing, Responding Party further responds as
3 follows:

4 **RESPONSES TO INTERROGATORIES**

5 **INTERROGATORY NO. 13:**

6 If YOU denied any of the Requests for Admissions served by
7 Propounding Party in this action, then for each Request for Admission
8 denied, state all facts RELATING TO YOUR denial.

9 **RESPONSE TO INTERROGATORY NO. 13:**

10 Responding Party objects to this interrogatory as premature. Because
11 this interrogatory seeks or necessarily relies upon a contention, and
12 because this matter is in its early stages and pretrial discovery has only just
13 begun, Responding Party is unable to provide a complete response at this
14 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,
15 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
16 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
17 also Fed. R. Civ. P. 33(a)(2) (“the court may order that [a contention]
18 interrogatory need not be answered until designated discovery is complete,
19 or until a pretrial conference or some other time.”).

20 Responding Party further objects to this interrogatory as unduly
21 burdensome, harassing, and duplicative of information disclosed in
22 Responding Party’s Rule 26(a) disclosures and supplemental disclosures.
23 Propounding Party may look to Responding Party’s Rule 26(a) disclosures
24 and supplemental disclosures for the information sought by this
25 interrogatory. Moreover, Responding Party had the opportunity to depose
26 Ms. Reed on this topic.

27 Responding Party further objects to this interrogatory as compound.
28

1 This "interrogatory" contains multiple impermissible subparts, which
2 Propounding Party has propounded in an effort to circumvent the numerical
3 limitations on interrogatories provided by Federal Rule of Civil Procedure
4 33(a)(1).

5 Responding Party further objects to this interrogatory on the grounds
6 that it seeks information that is outside of Responding Party's knowledge.

7 Responding Party further objects to the extent that this interrogatory
8 invades attorney-client privilege and/or violates the work product doctrine by
9 compelling Responding Party to disclose privileged communications and/or
10 litigation strategy. Responding Party will not provide any such information.

11 Subject to and without waiver of the foregoing objections, Responding
12 Party responds as follows:

13 **Facts Supporting Denial of RFA Nos. 1-24:**

14 The Complaint alleges that Defendant Lunada Bay Boys is an
15 unincorporated association within the meaning of Code of Civil Procedure §
16 369.5 acting by and through its respective members and associates.
17 Defendant Lunada Bay Boys acts by and through its respective members,
18 individually, collectively, and in concert, and conducts its affairs and activities
19 in the City of Palos Verdes Estates, County of Los Angeles, State of California.
20 Defendant Lunada Bay Boys claims gang territory, or "turf" within the City of
21 Palos Verdes Estates' Lunada Bay neighborhood (Lunada Bay). The Lunada
22 Bay Boys have received benefits from holding itself out to the public as an
23 entity. The Lunada Bay Boys functions under circumstances where "fairness
24 requires that the group be recognized as a legal entity."¹

25

26

27 ¹ *Barr v. United Methodist Church*, 90 Cal. App. 3rd 259,267, cert. denied,
28 444 U.S. 973 (1979), quoted and followed with approval in *People v. Colonia*
(footnote continued)

1 The Complaint further alleges that Defendant Lunada Bay Boys are
2 criminal street gang as defined in California Penal Code § 186.22, subdivision
3 (f), in as much as it is a group of three or more individuals with a common
4 name or common symbol and whose members, individually or collectively,
5 engage in or have engaged in a pattern of criminal gang activity, and has as
6 one of its primary activities the commission of enumerated “predicate crimes,”
7 including but not limited to assault, battery, vandalism, intimidation,
8 harassment, upon information and belief, the sale and use of illegal controlled
9 substances.

10 The Complaint alleges that Defendant Lunada Bay Boys use the
11 unpermitted Rock Fort to conduct criminal activity.

12 The Complaint also alleges that Defendant Lunada Bay Boys is also an
13 unincorporated association within the meaning of Corporations Code § 18035,
14 subdivision (a), inasmuch it consists of two or more individuals joined by
15 mutual consent for some common lawful purposes, such a attending social
16 gatherings, and recreational events. However, notwithstanding any common
17 lawful purpose, Defendant Lunada Bay Boys is a criminal gang whose
18 members are primarily engaged in criminal and nuisance activities which
19 constitute Bane Act violations and a public nuisance.

20 Defendant Lunada Bay Boys is comprised of members including, but
21 not limited to Sang Lee, Brant Blakeman, Angelo Ferrara, Frank Ferrara,
22 Nicholas Ferrara, Charlie Ferrara, Michael Rae Papayans, Alan Johnston aka
23 Jalian Johnston, each of whom has been within the Lunada Bay and is
24 responsible in some manner for the Bane Act violations and public nuisance
25 described in this Complaint.

26 _____
27 *Chiques*, 156 Cal. App. 4th 31, 38-39 (2007) (holding the criminal street
28 gang "Colonia Chiques may be sued as an unincorporated association").

1 Plaintiffs' first Claim is for an injunction and equitable relief under Civil
2 Code § 52.1(b). Some of the facts that support the claim include:

3 Some of the acts committed by the Lunada Bay Boys include:

4 1. On January 22, 1995, a Brazilian surfer was accosted by several
5 Lunada Bay Boys including David Hilton. The Brazilian surfer reported to the
6 police that suspect #1 told him angrily, "If you go out, no more car, no more
7 tires, no more glass, your car will be trash." He said that the suspect #1 was
8 much taller and bigger than he was and he was afraid of the suspect. He said
9 he backed away from suspect #1 and suspect #2 walked up to him and
10 deliberately knocked his surfboard into his [surfboard]. He said the suspect
11 #2 told him, "If you cross, I will fight you. I will break your face." He said he
12 was afraid that suspect would hurt him and backed away from him. He said
13 the suspect #3 yelled at him, "Fuck Brazil." The Brazilian surfer told the police
14 that approximately 15 other Lunada Bay Boys were standing around them.
15 He said he was fearful that he and his friends were going to be hurt, went back
16 to their car, drove to a local gas station and called the police.²

17 2. On March 13, 1995, Geoff Hagins and five 9 juveniles and another
18 adult were assaulted at Lunada Bay by Peter McCullom. Plaintiffs are
19 informed and believe that David Hilton, Kelly Logan, Sang Lee and others
20 were also part of the incident. Geoff Hagins called Ed Jaakola prior to going
21 to surf and informed him. The police records are redacted but the paper
22 reports: Peter McCollum, David Hilton, Defendant Sang Lee and Kelly
23 Hogan.³

24 3. On February 17, 2014, an unknown individual reports to officer
25

26
27 ² DR 95-0062 (CITY 1-6).

28 ³ CITY1969; DR 95-031; P.V.P. News 11-30-96

1 Alex Gonzales: that he arrived at the 2300 block of Paseo Del Mar with the
2 intention of surfing. Before he was able to collect his gear and walk down the
3 trail to the beach, he was confronted by two unknown individuals who started
4 to harass him. The subjects told he was not allowed to surf at Lunada Bay,
5 and if he proceeded persisted to do so, they would follow him into the water
6 to block his waves and run their surfboards into him.⁴

7 4. On November 15, 2014, Sef Krell attempts to surf Lunada Bay.
8 As he walks down the trail, dirt clods and rocks are thrown at him.

9 The Complaint also alleges a civil conspiracy amount the Defendants
10 and other individuals.⁵

11 Diana Reed: believes that members of the Lunada Bay Boys engaged
12 in a concerted effort with other Bay Boys to obstruct the plaintiffs' and the
13 publics' free passage and use in the customary manner of a public space.
14 Reed also believes that members of the Bay Boys harass and assault the
15 plaintiffs and the public when they were visiting Lunada Bay. Reed believes
16 that the conduct directed at the plaintiffs and others trying to surf Lunada Bay
17 is part of an agreement among Defendant Ferrara and the other Bay Boys,
18 which at a minimum, may be implied by the conduct of the parties and other
19 members of the Bay Boys.⁶ Reed believes that the Bay Boys concerted efforts
20 to stop the public from accessing the beach are documented in statements
21 made to the media, text messages and emails some of which have been
22 destroyed or are being withheld by the Defendants in this case. For example,

23
24 _____
25 ⁴ DR 14-01520.

26 ⁶ "A conspiracy is an agreement by two or more persons to commit a
27 wrongful act. Such an agreement may be made orally or in writing or may be
28 implied by the conduct of the parties." (CivilConspiracy-CACI3600)

1 Defendant Frank Ferrara was featured in the article "People Who Surf,"
2 December 1991 edition of Surfer Magazine. Plaintiffs are informed and
3 believe that the article was arranged by Lunada Bay local Jim Russi who was
4 a photographer at the magazine which is quoted in relevant part:

5 Q: There was an article a few months ago in the
6 L.A. Times that called the Palos Verdes surfers a
7 bunch elitist gangsters. As a P.V. guy, what do
8 you think of that?

9 A: I think that Palos Verdes is a beautiful surfing
10 spot and that some of the people who have come
11 up there in the past haven't really respected it.

12 Q: But the complaint from visitors is they're not
13 even given a chance to prove themselves. They're
14 run out or hit with rocks just trying to get to the
15 beach.

16 A: Look at what happened to Malibu, Trestles,
17 Rincon; there's five or six guys on every wave.
18 The guys who surf in Palos Verdes...have seen
19 what happens. One guy comes and surfs it, and
20 then he brings two or three guys, and they bring
21 three or four of their friends and it snowballs and
22 gets out of hand. That is exactly why we want to
23 protect it.

24 Defendant Frank Ferrara followed his interview up with a letter defending
25 localism printed in the March 1992 edition of Surfer Magazine stating; "I am
26 a protector of Palos Verdes. It is also protected by the pirates who surf there."
27 Members of the Bay Boys have worn pirate shirts.

28

1 In a May 5, 1995 article published in the Easy Reader entitled "A Bay
2 Boy Explains localism: 'A Great Sense of Community here'," Jim Russi admits
3 to the illegal acts the Bay Boys engage in to exclude outsiders. Russi said the
4 harassment stems from a desire by locals to preserve the beach for their own
5 use, especially during the winter when the surf is exceptional. "We feel a great
6 sense of community here and we need to protect it. I can tell you about places
7 that get overrun by outsiders." Russi even attempts to blame the harassment
8 of Geoff Hagins by Defendant Sang Lee, Bay Boys Peter McCollum and Kelly
9 Logan: "Hagins is a real troublemaker. He's a bully. He came e down with a
10 gang of kids, including a Boogie boarder. There's never been a Boogie
11 boarder at Lunada Bay."

12 Finally, Defendant Charlie Ferrara, who is the son of Defendant Frank
13 Ferrara, admitted that generations of surfers have used intimidation and even
14 violence to successfully prevent the isolated spot from becoming a crowded
15 destination. In the 13-minute recording of the conversation, Defendant
16 Charlie Ferrara is heard saying:

- 17 1. "I can't tell you can't be down here. I can't tell you can't go surfing,
18 but what I can do is I can make sure you don't have fun out there."
- 19 2. Echoing the words of his father to Surfer Magazine, he states: "if one
20 person is "cool" and gets along, then "everyone gets along, and then
21 it turns into Rincon and Malibu."
- 22 3. "My dad's 59 years old, for 59 years it's been like that; who are you
23 to come here and change something, get me?" he said. "I'm sorry to
24 say it like that, I'm not rude, but that's how they're looking at it, you
25 know?"

26 There are numerous examples of the members of Lunada Bay Boys
27 conspiring to harass and intimidate visiting surfers which are set forth in
28

1 Plaintiffs' Supplemental Disclosures and previous discovery responses
2 including but not limited to:

3 1. Emails from Defendant Sang Lee and others that describe Bay Boy
4 tactics to keep outsiders and non-locals from surfing Lunada Bay
5 including emails dated 1/7/2011,1/8/2011,1/17/2011.

6 2. On February 5, 2016, Charles Mowat sent a text message to
7 Defendant Brant Blakeman, Tom Sullivan, David Yoakley, Andy
8 Patch, Defendant Michael Papayans and several others that said
9 "There are 5 kooks standing on the bluff taking pictures...I think that
10 same Taloa guy. Things could get ugly." A Los Angeles Times
11 photographer captured a pictured of Defendant Blakeman of the bluff
12 filming plaintiffs. Plaintiffs believe that the Bay Boys take photos
13 and/or video tape people as a form of harassment and intimidation.
14 Plaintiffs are also informed and believe that a Lunada Bay local
15 named Joshua Bernstein was taking pictures at the MLK 2014 paddle
16 out. Plaintiffs are also informed and believe that Bernstein told several
17 people after he photographed them, "Now we know who you are."
18 Plaintiffs believe that the conduct directed at Reed by Blakeman and
19 the individual Bay Boys is because she is a woman. Plaintiff is
20 informed and believes that there are numerous text messages where
21 the Bay Boys refer to Reed as a "bitch" and make sexual comments
22 about her.

23 3. Emails dated January 16 and 17, 2014 that Charlie Mowatt sent to
24 Defendant Sang Lee and other Lunada Bay locals regarding plans to
25 harass Chris Taloa and visiting surfers at the MLK event in 2014

26 The specific acts directed against Reed include but are not limited to the
27 following: i) Reed went to Lunada Bay on January 29, 2016 with Jordan
28

1 Wright. Reed had intended to surf at Lunada Bay that day because the
2 conditions were such that she felt comfortable surfing. Immediately after they
3 parked their car along the bluffs, the harassment began. Several men drove
4 by and circled around their car. This was the day that she and Wright were
5 harassed and intimidated by David Melo. Blakeman was recording them on
6 land with his camera. It was very disturbing to Reed and made her feel very
7 uncomfortable. Plaintiffs are informed and believe that this was witnessed by
8 John MacHarg. ii) On or about February 12, 2016, The Los Angeles Times
9 published an article called "Bay Boys surfer gang cannot block access to
10 upscale beach, Coastal Commission says." Jordan Wright and Cory Spencer
11 are quoted in the article. Mr. Wright and a few others had planned to surf
12 Lunada Bay the following morning. Plaintiffs are informed and believe that
13 Defendants Johnston and Blakeman learned that Jordan Wright and Diana
14 Reed were going to Lunada Bay and planned to be there to harass them. On
15 February 12, 2016, Defendant Alan Johnston sent the following text
16 messages to an unknown recipient: "No fucking way Taloa is back this year"
17 and "If u really wanna be a bay boy we might meet help tomm." iii) On
18 February 13, 2016, Reed returned to Lunada Bay with Jordan Wright to watch
19 him surf and take photographs. Prior to her arrival, she contacted the Palos
20 Verdes Estates Police and requested an escort from the bluffs to the beach.
21 She was concerned about her safety given the January 29, 2016 incident. She
22 was told that the police were unavailable and no officers were present when
23 they arrived.

24 When Reed and Wright reached the beach, they encountered angry
25 locals who were yelling at them. Reed and Wright ignored the harassment and
26 Wright got into the water to surf and Reed made her way to the Rock Fort
27 where she planned to watch Wright and photograph him. Approximately two
28

1 hours after Reed had arrived at Lunada Bay, while she was standing in the
2 Rock Fort taking photos, defendant Blakeman and defendant Alan Johnston
3 rushed into the fort and ran towards her in a hostile and aggressive manner.
4 It seemed that they had coordinated and orchestrated the attack which
5 completely caught Reed off guard. Blakeman was filming Reed again, and at
6 times, held his camera right in her face. It was intimidating and harassing to
7 Reed, and she feared for her safety. Reed asked Blakeman and Johnston
8 why they were filming her, because it made her uncomfortable. Blakeman
9 responded, "because I feel like it." Johnston responded, "Because you're hot.
10 Because you're fucking sexy baby, wooh!" Johnston then opened a can of
11 beer in a purposeful way so that it sprayed Reed's arm and her camera. Reed,
12 paralyzed with fear, was unable to leave the Rock Fort as Blakeman and
13 Johnston were standing closest to the exit. iv) Plaintiffs are informed and
14 believe that after the incident Defendant Johnston started calling and/or
15 texting other Lunada Bay locals to check for police to plan a getaway. At
16 around 1:00 pm Brad Travers (Travers Tree Service) texted Johnston: "Don't
17 see any cops at the top." Plaintiffs are informed and believe that later that day
18 Johnston received a text from his mother asking him "What happened at the
19 bay?" Johnston replied "Nothing happened really just couple of trolls they got
20 nothing."

21 Reed further identifies the following individuals as having knowledge of
22 concerted efforts by the Bay Boys:

23 Cory Spencer: Cory Spencer and Chris Taloa went to surf Lunada Bay.
24 Almost instantly after they arrived at Lunada Bay, they started getting
25 harassed by Bay Boys. They were told that they couldn't surf there, and
26 Spencer was called a "kook," which is a derogatory surfing term. Spencer was
27 also told: "why don't you fucking go home, you fucking kook;" and was asked,
28

1 "how many other good places did you pass to come here?" These are the
2 same types of statements made by Defendant Sang Lee and others that can
3 be observed on the video published by the Guardian. These taunts started
4 while Spencer and Taloa were on the bluffs getting ready to surf. One
5 individual continued to heckle Spencer and Taloa on their way down to the
6 beach and into the water. Blakeman was already in the water and began
7 paddling around Spencer and Taloa in a tight circle – staying just a few feet
8 away from them. There was no legitimate reason for this conduct. Reed
9 believes that this is a tactic used by the Bay Boys to harass people. Blakeman
10 impeded Spencer's movement in any direction and was intentionally blocking
11 him from catching any waves. It was clear to Spencer that Blakeman was not
12 there to surf that morning. Instead, his mission was to prevent Spencer and
13 Taloa from surfing and to keep them from enjoying their time in the water, the
14 open space, the waves, and nature. This type of concerted effort was
15 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep
16 people from surfing at Lunada Bay. In the approximately 90 minutes that
17 Spencer was in the water that day, Blakeman was focused on Spencer and
18 Taloa and continued to shadow their movements and sit uncomfortably close
19 to them. Spencer had never experienced anything like that before in his life.
20 It was bizarre but also incredibly frightening and disturbing. It appeared to
21 Spencer that Blakeman was coordinating his actions with a group of guys who
22 were standing in the Rock Fort, along with others in the water. They were all
23 talking to each other and it was clear they all knew each other. At one point
24 while Spencer was in the water and was paddling west out to the ocean, he
25 saw a man surfing, coming in east towards the shore. The Bay Boy ran over
26 his hand/wrist that was holding his surfboard and one of the fins on his
27 surfboard sliced open his right wrist. Spencer has about a half-inch scar from
28

1 where this man ran him over. As soon as the Bay Boy ran him over, he started
2 berating Spencer, saying things like "what are you fucking doing out here? I
3 told you to go home. I should have run you over. Why are you paddling in the
4 sun glare where I can't see you?" The Bay Boy was pretending that he didn't
5 see Spencer but it was obvious that he did and intentionally ran him over. With
6 over 30 years of surfing experience, Spencer knew that this collision was
7 intentional on his part. Fearful of being further injured at that point, and not
8 wanting to get into an argument with him, Spencer just paddled away.
9 Spencer and Taloa caught one more wave after that and then decided it was
10 getting too dangerous to surf. More men started showing up at the Rock Fort
11 and Spencer and Taloa were growing increasingly fearful for their safety.
12 Spencer was also bleeding and in pain. These incidents are described in the
13 declarations filed with Plaintiffs' motion for class certification and the
14 deposition of Spencer.

15 Christopher Taloa: As set forth above, Taloa and Spencer went surfing
16 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman
17 shadowing Spencer's movement in the water. Blakeman was in the water with
18 four or five other Lunada Bay Locals. At one point, Blakeman paddled toward
19 Taloa, at which point Taloa told him that he was too close. Blakeman replied,
20 "This is the ocean. We are surfing. I can be wherever." Taloa kept moving in
21 the water, and Blakeman attempted to keep up with him but was not in good
22 enough shape to do so.

23 Jordan Wright: Wright attempted to surf Lunada Bay in January 2015
24 with Chris Claypool and Kenneth Claypool. He observed Blakeman harassing
25 Chris and Ken. Wright was sitting on the outside waiting his turn for waves.
26 By regular surfing norms, he had priority. He caught a 10- to 12foot-high wave
27 and was up riding for several seconds. Alan Johnston paddled the wrong way
28

1 on this wave, dropped in on him going the wrong way on the wave, and yelled,
2 “Oh no, you don’t!” Dropping in on a surfer while going the wrong way violates
3 normal surf etiquette. Johnston then collided with Wright, and their leashes
4 got tangled. After they surfaced from the collision, Johnston then got close to
5 Wright and yelled, “You had to fucking take that wave, didn’t you!” The next
6 wave that came through then broke Wright’s leash plug and the board was
7 carried into the rocks, which destroyed a new surfboard. Wright had to swim
8 in over rocks to get his board and cut his hands on the rocks doing so. Wright
9 is confident that Johnston attempted to purposefully injure him. What he did
10 was extremely dangerous.

11 Wright has observed Blakeman on many occasions. Blakeman is easy
12 to identify because he rides a kneeboard and he is regularly filming visitors on
13 land with a camcorder. Wright believes his filming is an effort to intimidate
14 visitors. In the water, Wright has observed what appears to be Blakeman
15 directing other Bay Boys to sit close to visiting surfers. Wright has observed
16 Bay Boys who seem to be assigned to visiting surfers—they’ll sit too close to
17 the visitors, impede their movements, block their surfing, kick at them, splash
18 water at them, and dangerously drop in on them. In addition to Blakeman, he
19 has seen Michael Papayans, Sang Lee, Alan Johnston, Charlie Ferrara, and
20 David Melo engage in this activity. These incidents are described in the
21 declarations filed with Plaintiffs’ motion for class certification.

22 Ken Claypool: has been harassed and filmed by Blakeman in an attempt
23 to intimidate him at Lunada Bay on multiple occasions. In January 2015,
24 Claypool and his brother Chris Claypool along with Jordan Wright went to surf
25 Lunada Bay. There were about five Lunada Bay locals in the water, including
26 Blakeman who paddled over and threatened them. Claypool observed
27 Blakeman intentionally drop in on Wright at least twice. On February 5, 2016,
28

1 Claypool went to Lunada Bay with Chris Taloa and Jordan Wright. There was
2 a photographer from the Los Angeles Times that was there. Also in
3 attendance was Cory Spencer and Diana Reed. Spencer was there to watch
4 the cars. Blakeman was there filming in an effort to intimidate visitors.
5 Blakeman can be seen in one of the pictures taken by the photographer. Also
6 present was Defendant Papayans.

7 Plaintiffs are informed and believe that there was a text message sent
8 that day to Papayans, Michael Thiel and 11 other people stating that there
9 were 5 kooks standing on the bluff taking pictures, including Taloa. Plaintiffs
10 are informed that the text states: "Things could get ugly." These incidents are
11 described in the declarations filed with Plaintiffs' motion for class certification.
12 Chris Claypool: he and his brother Ken and Jordan Wright attempted to surf
13 Lunada Bay in January 2015. There were about five locals in the water,
14 including Blakeman who paddled over and was yelling, "Try and catch a wave
15 and see what happens. There is no fucking way you are getting a wave. Just
16 go in. Just go. You better not cut me off." Blakeman looked possessed or
17 possibly on drugs. His behavior got more bizarre throughout the morning. He
18 seemed to be paddling for every wave that he could physically push himself
19 into, perhaps to make a point, but he was wiping out a lot and falling down the
20 face and tumbling across the rock reef. Blakeman looked dangerous to
21 himself. When Blakeman would actually catch a wave in, he would paddle
22 back to where Claypool and his brother were sitting, and continue his insane
23 rant. On one occasion, Blakeman came less than 12 inches from Claypool's
24 ear and was screaming. It was so loud, Claypool had to put his fingers in his
25 ear to protect them from being damaged. Claypool is a sound engineer and
26 to put this in perspective, a rock concert creates about 120 decibels of noise
27 - this was louder; a jet engine creates about 150 decibels. At one point
28

1 Blakeman caught a wave and drew a line aiming right at Claypool. Another
2 Bay Boy tried the same thing and said “mother fucker” as he narrowly missed
3 Claypool’s head. Claypool watched as Blakeman intentionally dropped in on
4 Jordan at least twice. It seemed obvious to Claypool that Blakeman and the
5 other Bay Boy wanted to make sure none of them were having fun. Because
6 of the danger, they decided to leave. When Claypool and his brother got out
7 of water, they saw people gathering on top of the cliff. One person was
8 videotaping them from the top of the cliff; it was clear to Claypool that he was
9 doing this to try and intimidate them. The people were watching them from the
10 cliff. It was obvious that Blakeman engaged in a concerted effort with other
11 Bay Boys to obstruct his free passage and use in the customary manner of a
12 public space. It also seemed clear that Blakeman engaged in a concerted
13 effort with other Bay Boys to try and injure him. These incidents are described
14 in the declarations filed with Plaintiffs’ motion for class certification.

15 Jason Gersch: While observing the surf, Gersch was approached by two
16 local Bay Boys named Peter McCollum and Brant Blakeman. These
17 individuals made it known to Gersch that he could not surf there. These
18 incidents are described in the declarations filed with Plaintiffs’ motion for class
19 certification. Plaintiffs are informed and believe and on that basis allege that
20 Defendant Blakeman and his attorneys are attempting to intimidate witnesses
21 in this case.

22 The request is premature. Because the defendants are refusing to
23 comply with their obligations to produce documents under the federal rules
24 and are impermissibly withholding evidence and/or possibly spoiling
25 evidence, we are not able to fully respond to discovery requests which
26 necessarily rely on our ability to fully investigate the facts. As discovery is
27 continuing, Reed reserves the right to update this response.

28

1 **(Additional) Facts Supporting Denial of RFA No. 22-23:**

2 The denial of the Request for Admission No. 22, asking the Plaintiff to
3 admit that “Frank Ferrara, is not the ‘dad’ or ‘father’ referenced and/or
4 mentioned by the male individual in the audio recording YOU identified at....
5 YOUR deposition...” Plaintiff, Diana Reed, bases the denial on the following
6 facts, in addition to the facts aforementioned in this response: she had
7 knowledge of what Charlie Ferrara looks like. At the 2/23/217 incident at the
8 Lunada Bay Fort, Reed also saw the Palos Verdes police walk up to Charles
9 Ferrara, and called him by the name of “Charlie” indicating their familiarity with
10 him. Further, she also personally taken the audio recording and observed the
11 individual being recorded at the time.

12 Defendant Charlie Ferrara, who is the son of Defendant Frank Ferrara,
13 admitted that generations of surfers have used intimidation and even violence
14 to successfully prevent the isolated spot from becoming a crowded
15 destination. In the 13-minute recording of the conversation, Defendant
16 Charlie Ferrara is heard saying:

- 17 1. “I can’t tell you you can’t be down here. I can’t tell you you can’t go
18 surfing, but what I can do is I can make sure you don’t have fun out
19 there.”
20 2. Echoing the words of his father to Surfer Magazine, he states: “if one
21 person is “cool” and gets along, then “everyone gets along, and then
22 it turns into Rincon and Malibu.”
23 3. “My dad’s 59 years old, for 59 years it’s been like that; who are you
24 to come here and change something, get me?” he said. “I’m sorry to
25 say it like that, I’m not rude, but that’s how they’re looking at it, you
26 know?”

27 There are numerous examples of the members of Lunada Bay Boys
28

1 conspiring to harass and intimidate visiting surfers which are set forth in
2 Plaintiffs' Supplemental Disclosures and previous discovery responses.

3
4 **INTERROGATORY NO. 14:**

5 If YOU denied any of the Requests for Admissions served by
6 Propounding Party in this action, then for each Request for Admission
7 denied, IDENTIFY all PERSONS with knowledge RELATING TO YOUR
8 denial.

9 **RESPONSE TO INTERROGATORY NO. 14:**

10 Responding Party objects to this interrogatory as premature. Because
11 this interrogatory seeks or necessarily relies upon a contention, and
12 because this matter is in its early stages and pretrial discovery has only just
13 begun, Responding Party is unable to provide a complete response at this
14 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,
15 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
16 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
17 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]
18 interrogatory need not be answered until designated discovery is complete,
19 or until a pretrial conference or some other time.").

20 Responding Party further objects to this interrogatory as unduly
21 burdensome, harassing, and duplicative of information disclosed in
22 Responding Party's Rule 26(a) disclosures and supplemental disclosures.
23 Propounding Party may look to Responding Party's Rule 26(a) disclosures
24 and supplemental disclosures for the information sought by this
25 interrogatory. Moreover, Responding Party had the opportunity to depose
26 Ms. Reed on this topic.

27 Responding Party further objects to this interrogatory as compound.
28

1 This "interrogatory" contains multiple impermissible subparts, which
2 Propounding Party has propounded in an effort to circumvent the numerical
3 limitations on interrogatories provided by Federal Rule of Civil Procedure
4 33(a)(1).

5 Responding Party further objects to this interrogatory on the grounds
6 that it seeks information that is outside of Responding Party's knowledge.

7 Responding Party further objects to the extent that this interrogatory
8 invades attorney-client privilege and/or violates the work product doctrine by
9 compelling Responding Party to disclose privileged communications and/or
10 litigation strategy. Responding Party will not provide any such information.

11 Subject to and without waiver of the foregoing objections, Responding
12 Party responds as follows:

13 The following Persons are identified to have knowledge of facts
14 supporting Plaintiff's denial of the Requests for Admissions Nos. 1-24, and
15 have information of the concerted efforts of the Bay Boys, are:

16 Diana Reed Cory Spencer:

- 17 • Christopher Taloa:
- 18 • Jordan Wright:
- 19 • Ken Claypool:
- 20 • Andy MacHarg:
- 21 • Jason Gersch:

22 Sef Krell

23 Geoff Hagins

24 Peter McCullom, David Hilton, Kelly Logan, Sang Lee

25 officer Alex Gonzales

26 Jim Russi

1 David Hunt

2 Jen Bell

3 Chris Taloa

4 Plaintiffs

5 Michael Papayans,

6 Sang Lee,

7 Alan Johnston,

8 Charlie Ferrara,

9 David Melo

10 Ken Claypool

11 Chris Claypool

12 Jordan Wright

13 Jason Gretch

14 The request is premature. Because the defendants are refusing to
15 comply with their obligations to produce documents under the federal rules
16 and are impermissibly withholding evidence and/or possibly spoiling
17 evidence, we are not able to fully respond to discovery requests which
18 necessarily rely on our ability to fully investigate the facts. As discovery is
19 continuing, Reed reserves the right to update this response.

20 **INTERROGATORY NO. 15:**

21 If YOU denied any of the Requests for Admissions served by
22 Propounding Party in this action, then for each Request for Admission
23 denied, IDENTIFY **all DOCUMENTS** RELATING TO YOUR denial.

RESPONSE TO INTERROGATORY NO. 15:

Responding Party objects to this interrogatory as premature. Because this interrogatory seeks or necessarily relies upon a contention, and because this matter is in its early stages and pretrial discovery has only just begun, Responding Party is unable to provide a complete response at this time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*, 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see also Fed. R. Civ. P. 33(a)(2) (“the court may order that [a contention] interrogatory need not be answered until designated discovery is complete, or until a pretrial conference or some other time.”).

Responding Party further objects to this interrogatory as unduly burdensome, harassing, and duplicative of information disclosed in Responding Party’s Rule 26(a) disclosures and supplemental disclosures. Propounding Party may look to Responding Party’s Rule 26(a) disclosures and supplemental disclosures for the information sought by this interrogatory. Moreover, Responding Party had the opportunity to depose Ms. Reed on this topic.

Responding Party further objects to this interrogatory as compound. This “interrogatory” contains multiple impermissible subparts, which Propounding Party has propounded in an effort to circumvent the numerical limitations on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

Responding Party further objects to this interrogatory on the grounds that it seeks information that is outside of Responding Party’s knowledge.

Responding Party further objects to the extent that this interrogatory invades attorney-client privilege and/or violates the work product doctrine by

1 compelling Responding Party to disclose privileged communications and/or
2 litigation strategy. Responding Party will not provide any such information.

3 Subject to and without waiver of the foregoing objections, Responding
4 Party responds as follows:

5 **Documents which relate to or support Plaintiff's denial of the Requests**
6 **for Admissions Nos. 1-24 are the following:**

- 7 ▪ DR- 95-0062,
8 ○ DR 95-031, and
9 ○ DR- 14-01520,
10 ○ "People Who Surf," December 1991 edition of Surfer Magazine,
11 March 1992 edition of Surfer Magazine,
12 ○ May 5, 1995 article published in the Easy Reader entitled "A Bay
13 Boy Explains localism: 'A Great Sense of Community here'
14 ○ 13-minute recording of the conversation, Defendant Charlie
15 Ferrara,
16 ○ Emails from Defendant Sang Lee and others that describe Bay
17 Boy tactics to keep outsiders and non-locals from surfing Lunada
18 Bay including emails dated 1/7/2011,1/8/2011,1/17/2011,
19 ○ Phone records from Defendant Sang Lee, Phone records from
20 Defendant Alan Johnston, and Declarations produced in support
21 of plaintiff's motion for class certification.

22 The request is premature. Because the defendants are refusing to
23 comply with their obligations to produce documents under the federal rules
24 and are impermissibly withholding evidence and/or possibly spoiling
25 evidence, we are not able to fully respond to discovery requests which
26 necessarily rely on our ability to fully investigate the facts. As discovery is
27 continuing, Reed reserves the right to update this response.

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: June 5, 2017

OTTEN LAW, PC

By: /s/Victor Otten

VICTOR OTTEN
KAVITA TEKCHANDANI
Attorneys for Plaintiffs
CORY SPENCER, DIANA MILENA
REED, and COASTAL PROTECTION
RANGERS, INC.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE
Spencer, et al. v. Lunada Bay Boys, et al.
U.S.D.C. for the Central District of California
Case No. 2:16-cv-02129-SJO (RAOx)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is: 3620 Pacific Coast Highway, Suite 100, Torrance, CA 90505.

On June 5, 2017, I served the original or a true copy of the following document(s) described as:

PLAINTIFF DIANA MILENA REED'S RESPONSE TO SECOND SET OF INTERROGATORIES PROPOUNDED BY DEFENDANT FRANK FERRARA

on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

X BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Hanson Bridgett LLP's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on **June 5, 2017**, at Torrance, California.

/s/ Victor Otten

Victor Otten

SERVICE LIST

Spencer, et al. v. Lunada Bay Boys, et al.
U.S.D.C. for the Central District of California
Case No. 2:16-cv-02129-SJO (RAOx)

Robert T. Mackey, Esq. *(Attorneys for Defendant BRANT*
Peter H. Crossin, Esq. *BLAKEMAN)*

Richard P. Dieffenbach, Esq.
John P. Worgul, Esq. *(served original)*

VEATCH CARLSON, LLP
1055 Wilshire Blvd., 11th Floor
Los Angeles, CA 90017

Robert S. Cooper, Esq. *(Attorneys for Defendant BRANT*
BUCHALTER NEMER, APC *BLAKEMAN)*

1000 Wilshire Blvd., Suite 1500
Los Angeles, CA 90017 *(served true copy)*

J. Patrick Carey, Esq. *(Attorney for Defendant ALAN*
LAW OFFICES OF *JOHNSTON a/k/a JALIAN*
J. PATRICK CAREY *JOHNSTON)*

1230 Rosecrans Ave., Suite 300
Manhattan Beach, CA 90266 *(served true copy)*

Peter T. Haven, Esq. *(Attorney for Defendant MICHAEL*
HAVEN LAW *RAY PAPAYANS)*

1230 Rosecrans Ave., Suite 300
Manhattan Beach, CA 90266 *(served true copy)*

Dana Alden Fox, Esq. *(Attorneys for Defendant SANG LEE)*

Edward E. Ward, Jr., Esq.
Eric Y. Kizirian, Esq. *(served true copy)*

Tera Lutz, Esq.
LEWIS BRISBOIS
BISGAARD & SMITH LLP
633 W. 5th Street, Suite 4000
Los Angeles, CA 90071

1 Daniel M. Crowley, Esq. (Attorneys for Defendant SANG LEE)
2 BOOTH, MITCHEL &
3 STRANGE LLP (served true copy)
4 707 Wilshire Blvd., Suite 4450
Los Angeles, CA 90017

5 Mark C. Fields, Esq. (Attorney for Defendant ANGELO
6 LAW OFFICES OF FERRARA and Defendant N. F.
7 MARK C. FIELDS, APC appearing through Guardian Ad
8 333 South Hope Street, 35th Floor Litem, Leonora Ferrara)
Los Angeles, CA 90071
(served true copy)

9
10 Thomas M. Phillip, Esq. (Attorneys for Defendant ANGELO
11 Aaron G. Miller, Esq. FERRARA)
12 THE PHILLIPS FIRM
800 Wilshire Blvd., Suite 1550 (served true copy)
Los Angeles, CA 90017

13
14 Patrick Au, Esq. (Attorneys for Defendants FRANK
15 Laura L. Bell, Esq. FERRARA and CHARLIE FERRARA)
16 BREMER WHYTE
BROWN & O'MEARA, LLP (served true copy)
21271 Burbank Blvd., Suite 110
17 Woodland Hills, CA 91367

18
19 Edwin J. Richards, Esq. (Attorneys for Defendants CITY OF
20 Antoinette P. Hewitt, Esq. PALOS VERDES and CHIEF OF
21 Rebecca L. Wilson, Esq. POLICE JEFF KEPLEY)
Jacob Song, Esq.
22 Christopher D. Glos, Esq. (served true copy)
KUTAK ROCK LLP
5 Park Plaza, Suite 1500
23 Irvine, CA 92614-8595

24
25
26
27
28

1 HANSON BRIDGETT LLP
KURT A. FRANKLIN, SBN 172715
2 kfranklin@hansonbridgett.com
SAMANTHA WOLFF, SBN 240280
3 swolff@hansonbridgett.com
JENNIFER ANIKO FOLDVARY, SBN 292216
4 jfoldvary@hansonbridgett.com
425 Market Street, 26th Floor
5 San Francisco, California 94105
Telephone: (415) 777-3200
6 Facsimile: (415) 541-9366

7 HANSON BRIDGETT LLP
TYSON M. SHOWER, SBN 190375
8 tshower@hansonbridgett.com
LANDON D. BAILEY, SBN 240236
9 lbailey@hansonbridgett.com
500 Capitol Mall, Suite 1500
10 Sacramento, California 95814
Telephone: (916) 442-3333
11 Facsimile: (916) 442-2348

12 OTTEN LAW, PC
VICTOR OTTEN, SBN 165800
13 vic@ottenlawpc.com
KAVITA TEKCHANDANI, SBN 234873
14 kavita@ottenlawpc.com
3620 Pacific Coast Highway, #100
15 Torrance, California 90505
Telephone: (310) 378-8533
16 Facsimile: (310) 347-4225

17 Attorneys for Plaintiffs
CORY SPENCER, DIANA MILENA
18 REED, and COASTAL PROTECTION
RANGERS, INC.
19

20 **UNITED STATES DISTRICT COURT**
21 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
22

23 CORY SPENCER, an individual;
24 DIANA MILENA REED, an
individual; and COASTAL
25 PROTECTION RANGERS, INC., a
26 California non-profit public benefit
corporation,
27

28 Plaintiffs,

CASE NO. 2:16-cv-02129-SJO (RAOx)

**PLAINTIFF DIANA MILENA REED'S
RESPONSE TO SECOND SET OF
REQUESTS FOR PRODUCTION
PROPOUNDED BY DEFENDANT
FRANK FERRARA**

Case No. 2:16-cv-02129-SJO (RAOx)

PLAINTIFF DIANA MILENA REED'S RESPONSE TO SECOND SET OF REQUESTS FOR PRODUCTION
PROPOUNDED BY DEFENDANT FRANK FERRARA

Complaint Filed: March 29, 2016
Trial Date: November 7, 2017

v.

LUNADA BAY BOYS; THE
INDIVIDUAL MEMBERS OF THE
LUNADA BAY BOYS, including but
not limited to SANG LEE, BRANT
BLAKEMAN, ALAN JOHNSTON
AKA JALIAN JOHNSTON,
MICHAEL RAE PAPAYANS,
ANGELO FERRARA, FRANK
FERRARA, CHARLIE FERRARA,
and N. F.; CITY OF PALOS
VERDES ESTATES; CHIEF OF
POLICE JEFF KEPLEY, in his
representative capacity; and DOES
1-10,

Defendants.

PROPOUNDING PARTY: Defendant Frank Ferrara

RESPONDING PARTY: Plaintiff Diana Milena Reed

SET NO.: Two

Pursuant to Federal Rule of Civil Procedure 34, Plaintiff Diana Milena Reed ("Responding Party") submits these responses and objections to the Second Set of Requests for Production propounded by Defendant Frank Ferrara ("Propounding Party").

PRELIMINARY STATEMENT

Nothing in this response should be construed as an admission by Responding Party with respect to the admissibility or relevance of any fact or document, or of the truth or accuracy of any characterization or statement of any kind contained in Propounding Party's Requests for Production.

Responding Party has not completed her investigation of the facts relating to

1 this case, her discovery or her preparation for trial. All responses and
2 objections contained herein are based only upon such information and such
3 documents that are presently available to and specifically known by
4 Responding Party. It is anticipated that further discovery, independent
5 investigation, legal research and analysis will supply additional facts and add
6 meaning to known facts, as well as establish entirely new factual
7 conclusions and legal contentions, all of which may lead to substantial
8 additions to, changes in and variations from the responses set forth herein.
9 The following objections and responses are made without prejudice to
10 Responding Party's right to produce at trial, or otherwise, evidence
11 regarding any subsequently discovered documents. Responding Party
12 accordingly reserves the right to modify and amend any and all responses
13 herein as research is completed and contentions are made.

14 **GENERAL OBJECTIONS TO REQUESTS FOR PRODUCTION**

15 Responding Party generally objects to the Requests for Production as
16 follows:

17 A. Responding Party objects generally to the Requests for
18 Production to the extent that they seek to elicit information that is neither
19 relevant to the subject matter of this action, nor reasonably calculated to
20 lead to the discovery of admissible evidence;

21 B. Responding Party objects generally to the Requests for
22 Production to the extent that they are unreasonably overbroad in scope, and
23 thus burdensome and oppressive, in that each such request seeks
24 information pertaining to items and matters that are not relevant to the
25 subject matter of this action, or, if relevant, so remote therefrom as to make
26 its disclosure of little or no practical benefit to Propounding Party, while
27 placing a wholly unwarranted burden and expense on Responding Party in
28

1 locating, reviewing and producing the requested information;

2 C. Responding Party objects generally to the Requests for
3 Production to the extent that they are burdensome and oppressive, in that
4 ascertaining the information necessary to respond to them, and to produce
5 documents in accordance therewith, would require the review and
6 compilation of information from multiple locations, and voluminous records
7 and files, thereby involving substantial time of employees of Responding
8 Party and great expense to Responding Party, whereas the information
9 sought to be obtained by Propounding Party would be of little use or benefit
10 to Propounding Party;

11 D. Responding Party objects generally to the Requests for
12 Production to the extent that they are vague, uncertain and overbroad, being
13 without limitation as to time or specific subject matter;

14 E. Responding Party objects generally to the Requests for
15 Production to the extent that they seek information at least some of which is
16 protected by the attorney-client privilege or the attorney work-product
17 doctrine, or both;

18 F. Responding Party objects generally to the Requests for
19 Production to the extent that they seek to have Plaintiff furnish information
20 and identify documents that are a matter of the public record, and therefore,
21 are equally available to the propounding party as they are to Responding
22 Party; and

23 G. Responding Party objects generally to the Requests for
24 Production to the extent that they seek to have Responding Party furnish
25 information and identify documents that are proprietary to Responding Party
26 and contain confidential information.

27 Without waiver of the foregoing, Responding Party further responds as
28

1 follows:

2 **RESPONSES TO REQUESTS FOR PRODUCTION**

3 **REQUEST FOR PRODUCTION NO. 13:**

4 If YOUR response to Propounding Party's Request for Admission No.
5 3 was anything other than an unqualified admission, produce each and
6 every DOCUMENT RELATING TO said response.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

8 Responding Party objects to this request for production as premature.
9 Because this request for production necessarily relies upon a contention,
10 Responding Party is unable to provide a complete response at this time, nor
11 is it required to do so.

12 Responding Party further objects to this request on the grounds that it
13 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
14 with reasonable particularity each item or category of items to be inspected."
15 Propounding Party's request for production does not describe an item or
16 category of items with reasonable particularity.

17 Responding Party further objects to the extent that this request for
18 production invades attorney-client privilege and/or violates the work product
19 doctrine by compelling Responding Party to disclose privileged
20 communications and/or litigation strategy. Responding Party will not provide
21 any such privileged information.

22 Responding Party further objects to this request on the grounds that
23 this information is equally available to the Requesting Party, and some of the
24 documents are publically available.

25 Subject to and without waiver of the foregoing objections, Responding
26 Party responds as follows:

27 Responding Party directs the Defendant to Plaintiff's previous
28

1 productions. For any responsive documents, not already produced in
2 Plaintiff's prior discovery responses, Plaintiff is producing such documents.
3 (Responsive documents are collectively attached hereto as Exhibit A).

4 Additionally, Responding Party notes that discovery is ongoing, and
5 this contention-based interrogatory is poorly defined and premature. Thus,
6 Responding Party reserves the right to amend this response at the
7 appropriate time in the future if necessary.

8
9 **REQUEST FOR PRODUCTION NO. 14:**

10 If YOUR response to Propounding Party's Request for Admission No.
11 6 was anything other than an unqualified admission, produce each and
12 every DOCUMENT RELATING TO said response.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

14 Responding Party objects to this request for production as premature.
15 Because this request for production necessarily relies upon a contention,
16 Responding Party is unable to provide a complete response at this time, nor
17 is it required to do so.

18 Responding Party further objects to this request on the grounds that it
19 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
20 with reasonable particularity each item or category of items to be inspected."
21 Propounding Party's request for production does not describe an item or
22 category of items with reasonable particularity.

23 Responding Party further objects to the extent that this request for
24 production invades attorney-client privilege and/or violates the work product
25 doctrine by compelling Responding Party to disclose privileged
26 communications and/or litigation strategy. Responding Party will not provide
27 any such privileged information.

1 Responding Party further objects to this request on the grounds that
2 this information is equally available to the Requesting Party, and some of the
3 documents are publically available.

4 Subject to and without waiver of the foregoing objections, Responding
5 Party responds as follows:

6 Responding Party directs the Defendant to Plaintiff's previous
7 productions. For any responsive documents, not already produced in
8 Plaintiff's prior discovery responses, Plaintiff is producing such documents.
9 (Responsive documents are collectively attached hereto as Exhibit A).

10 Additionally, Responding Party notes that discovery is ongoing, and
11 this contention-based interrogatory is poorly defined and premature. Thus,
12 Responding Party reserves the right to amend this response at the
13 appropriate time in the future if necessary.

14 **REQUEST FOR PRODUCTION NO. 15:**

15 If YOUR response to Propounding Party's Request for Admission No.
16 9 was anything other than an unqualified admission, produce each and
17 every DOCUMENT RELATING TO said response.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

19 Responding Party objects to this request for production as premature.
20 Because this request for production necessarily relies upon a contention,
21 Responding Party is unable to provide a complete response at this time, nor
22 is it required to do so.

23 Responding Party further objects to this request on the grounds that it
24 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
25 with reasonable particularity each item or category of items to be inspected."
26 Propounding Party's request for production does not describe an item or
27 category of items with reasonable particularity.

28

1 Responding Party further objects to the extent that this request for
2 production invades attorney-client privilege and/or violates the work product
3 doctrine by compelling Responding Party to disclose privileged
4 communications and/or litigation strategy. Responding Party will not provide
5 any such privileged information.

6 Responding Party further objects to this request on the grounds that
7 this information is equally available to the Requesting Party, and some of the
8 documents are publically available.

9 Subject to and without waiver of the foregoing objections, Responding
10 Party responds as follows:

11 Responding Party directs the Defendant to Plaintiff's previous
12 productions. For any responsive documents, not already produced in
13 Plaintiff's prior discovery responses, Plaintiff is producing such documents.
14 (Responsive documents are collectively attached hereto as Exhibit A).

15 Additionally, Responding Party notes that discovery is ongoing, and
16 this contention-based interrogatory is poorly defined and premature. Thus,
17 Responding Party reserves the right to amend this response at the
18 appropriate time in the future if necessary.

19 **REQUEST FOR PRODUCTION NO. 16:**

20 If YOUR response to Propounding Party's Request for Admission No.
21 12 was anything other than an unqualified admission, produce each and
22 every DOCUMENT RELATING TO said response.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

24 Responding Party objects to this request for production as premature.
25 Because this request for production necessarily relies upon a contention,
26 Responding Party is unable to provide a complete response at this time, nor
27 is it required to do so.

28

1 Responding Party further objects to this request on the grounds that it
2 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to “describe
3 with reasonable particularity each item or category of items to be inspected.”
4 Propounding Party’s request for production does not describe an item or
5 category of items with reasonable particularity.

6 Responding Party further objects to the extent that this request for
7 production invades attorney-client privilege and/or violates the work product
8 doctrine by compelling Responding Party to disclose privileged
9 communications and/or litigation strategy. Responding Party will not provide
10 any such privileged information.

11 Responding Party further objects to this request on the grounds that
12 this information is equally available to the Requesting Party, and some of the
13 documents are publically available.

14 Subject to and without waiver of the foregoing objections, Responding
15 Party responds as follows:

16 Responding Party directs the Defendant to Plaintiff's previous
17 productions. For any responsive documents, not already produced in
18 Plaintiff’s prior discovery responses, Plaintiff is producing such documents.
19 (Responsive documents are collectively attached hereto as Exhibit A).

20 Additionally, Responding Party notes that discovery is ongoing, and
21 this contention-based interrogatory is poorly defined and premature. Thus,
22 Responding Party reserves the right to amend this response at the
23 appropriate time in the future if necessary.

24 **REQUEST FOR PRODUCTION NO. 17:**

25 If YOUR response to Propounding Party’s Request for Admission No.
26 15 was anything less than an unqualified admission, produce each and
27 every DOCUMENT in RELATING TO said response.

28

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

2 Responding Party objects to this request for production as premature.
3 Because this request for production necessarily relies upon a contention,
4 Responding Party is unable to provide a complete response at this time, nor
5 is it required to do so.

6 Responding Party further objects to this request on the grounds that it
7 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to “describe
8 with reasonable particularity each item or category of items to be inspected.”
9 Propounding Party’s request for production does not describe an item or
10 category of items with reasonable particularity.

11 Responding Party further objects to the extent that this request for
12 production invades attorney-client privilege and/or violates the work product
13 doctrine by compelling Responding Party to disclose privileged
14 communications and/or litigation strategy. Responding Party will not provide
15 any such privileged information.

16 Responding Party further objects to this request on the grounds that
17 this information is equally available to the Requesting Party, and some of the
18 documents are publically available.

19 Subject to and without waiver of the foregoing objections, Responding
20 Party responds as follows:

21 Responding Party directs the Defendant to Plaintiff's previous
22 productions. For any responsive documents, not already produced in
23 Plaintiff’s prior discovery responses, Plaintiff is producing such documents.
24 (Responsive documents are collectively attached hereto as Exhibit A).

25 Additionally, Responding Party notes that discovery is ongoing, and
26 this contention-based interrogatory is poorly defined and premature. Thus,
27 Responding Party reserves the right to amend this response at the
28

1 appropriate time in the future if necessary.

2 **REQUEST FOR PRODUCTION NO. 18:**

3 If YOUR response to Propounding Party's Request for Admission No.
4 16 was anything less than an unqualified admission, produce each and
5 every DOCUMENT RELATING TO said response.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

7 Responding Party objects to this request for production as premature.
8 Because this request for production necessarily relies upon a contention,
9 Responding Party is unable to provide a complete response at this time, nor
10 is it required to do so.

11 Responding Party further objects to this request on the grounds that it
12 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
13 with reasonable particularity each item or category of items to be inspected."
14 Propounding Party's request for production does not describe an item or
15 category of items with reasonable particularity.

16 Responding Party further objects to the extent that this request for
17 production invades attorney-client privilege and/or violates the work product
18 doctrine by compelling Responding Party to disclose privileged
19 communications and/or litigation strategy. Responding Party will not provide
20 any such privileged information.

21 Responding Party further objects to this request on the grounds that
22 this information is equally available to the Requesting Party, and some of the
23 documents are publically available.

24 Subject to and without waiver of the foregoing objections, Responding
25 Party responds as follows:

26 Responding Party directs the Defendant to Plaintiff's previous
27 productions. For any responsive documents, not already produced in
28

1 Plaintiff's prior discovery responses, Plaintiff is producing such documents.
2 (Responsive documents are collectively attached hereto as Exhibit A).

3 Additionally, Responding Party notes that discovery is ongoing, and
4 this contention-based interrogatory is poorly defined and premature. Thus,
5 Responding Party reserves the right to amend this response at the
6 appropriate time in the future if necessary.

7
8 **REQUEST FOR PRODUCTION NO. 19:**

9 If YOUR response to Propounding Party's Request for Admission No.
10 17 was anything less than an unqualified admission, produce each and
11 every DOCUMENT RELATING TO said response.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

13 Responding Party objects to this request for production as premature.
14 Because this request for production necessarily relies upon a contention,
15 Responding Party is unable to provide a complete response at this time, nor
16 is it required to do so.

17 Responding Party further objects to this request on the grounds that it
18 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
19 with reasonable particularity each item or category of items to be inspected."
20 Propounding Party's request for production does not describe an item or
21 category of items with reasonable particularity.

22 Responding Party further objects to the extent that this request for
23 production invades attorney-client privilege and/or violates the work product
24 doctrine by compelling Responding Party to disclose privileged
25 communications and/or litigation strategy. Responding Party will not provide
26 any such privileged information.

27 Responding Party further objects to this request on the grounds that
28

1 this information is equally available to the Requesting Party, and some of the
2 documents are publically available.

3 Subject to and without waiver of the foregoing objections, Responding
4 Party responds as follows:

5 Responding Party directs the Defendant to Plaintiff's previous
6 productions. For any responsive documents, not already produced in
7 Plaintiff's prior discovery responses, Plaintiff is producing such documents.
8 (Responsive documents are collectively attached hereto as Exhibit A).

9 Additionally, Responding Party notes that discovery is ongoing, and
10 this contention-based interrogatory is poorly defined and premature. Thus,
11 Responding Party reserves the right to amend this response at the
12 appropriate time in the future if necessary.

13
14 **REQUEST FOR PRODUCTION NO. 20:**

15 If YOUR response to Propounding Party's Request for Admission No.
16 18 was anything less than an unqualified admission, produce each and
17 every DOCUMENT RELATING TO said response.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

19 Responding Party objects to this request for production as premature.
20 Because this request for production necessarily relies upon a contention,
21 Responding Party is unable to provide a complete response at this time, nor
22 is it required to do so.

23 Responding Party further objects to this request on the grounds that it
24 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
25 with reasonable particularity each item or category of items to be inspected."
26 Propounding Party's request for production does not describe an item or
27 category of items with reasonable particularity.

28

1 Responding Party further objects to the extent that this request for
2 production invades attorney-client privilege and/or violates the work product
3 doctrine by compelling Responding Party to disclose privileged
4 communications and/or litigation strategy. Responding Party will not provide
5 any such privileged information.

6 Responding Party further objects to this request on the grounds that
7 this information is equally available to the Requesting Party, and some of the
8 documents are publically available.

9 Subject to and without waiver of the foregoing objections, Responding
10 Party responds as follows:

11 Responding Party directs the Defendant to Plaintiff's previous
12 productions. For any responsive documents, not already produced in
13 Plaintiff's prior discovery responses, Plaintiff is producing such documents.
14 (Responsive documents are collectively attached hereto as Exhibit A).

15 Additionally, Responding Party notes that discovery is ongoing, and
16 this contention-based interrogatory is poorly defined and premature. Thus,
17 Responding Party reserves the right to amend this response at the
18 appropriate time in the future if necessary.

19
20 **REQUEST FOR PRODUCTION NO. 21:**

21 If YOUR response to Propounding Party's Request for Admission No.
22 19 was anything less than an unqualified admission, produce each and
23 every DOCUMENT RELATING TO said response.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

25 Responding Party objects to this request for production as premature.
26 Because this request for production necessarily relies upon a contention,
27 Responding Party is unable to provide a complete response at this time, nor
28

1 is it required to do so.

2 Responding Party further objects to this request on the grounds that it
3 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to “describe
4 with reasonable particularity each item or category of items to be inspected.”
5 Propounding Party’s request for production does not describe an item or
6 category of items with reasonable particularity.

7 Responding Party further objects to the extent that this request for
8 production invades attorney-client privilege and/or violates the work product
9 doctrine by compelling Responding Party to disclose privileged
10 communications and/or litigation strategy. Responding Party will not provide
11 any such privileged information.

12 Responding Party further objects to this request on the grounds that
13 this information is equally available to the Requesting Party, and some of the
14 documents are publically available.

15 Subject to and without waiver of the foregoing objections, Responding
16 Party responds as follows:

17 Responding Party directs the Defendant to Plaintiff's previous
18 productions. For any responsive documents, not already produced in
19 Plaintiff’s prior discovery responses, Plaintiff is producing such documents.
20 (Responsive documents are collectively attached hereto as Exhibit A).

21 Additionally, Responding Party notes that discovery is ongoing, and
22 this contention-based interrogatory is poorly defined and premature. Thus,
23 Responding Party reserves the right to amend this response at the
24 appropriate time in the future if necessary.

25

26 **REQUEST FOR PRODUCTION NO. 22:**

27 If YOUR response to Propounding Party’s Request for Admission No.
28

1 20 was anything less than an unqualified admission, produce each and
2 every DOCUMENT RELATING TO said response.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

4 Responding Party objects to this request for production as premature.
5 Because this request for production necessarily relies upon a contention,
6 Responding Party is unable to provide a complete response at this time, nor
7 is it required to do so.

8 Responding Party further objects to this request on the grounds that it
9 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to “describe
10 with reasonable particularity each item or category of items to be inspected.”
11 Propounding Party’s request for production does not describe an item or
12 category of items with reasonable particularity.

13 Responding Party further objects to the extent that this request for
14 production invades attorney-client privilege and/or violates the work product
15 doctrine by compelling Responding Party to disclose privileged
16 communications and/or litigation strategy. Responding Party will not provide
17 any such privileged information.

18 Responding Party further objects to this request on the grounds that
19 this information is equally available to the Requesting Party, and some of the
20 documents are publically available.

21 Subject to and without waiver of the foregoing objections, Responding
22 Party responds as follows:

23 Responding Party directs the Defendant to Plaintiff's previous
24 productions. For any responsive documents, not already produced in
25 Plaintiff’s prior discovery responses, Plaintiff is producing such documents.
26 (Responsive documents are collectively attached hereto as Exhibit A).

27 Additionally, Responding Party notes that discovery is ongoing, and
28

1 this contention-based interrogatory is poorly defined and premature. Thus,
2 Responding Party reserves the right to amend this response at the
3 appropriate time in the future if necessary.

4
5 **REQUEST FOR PRODUCTION NO. 23:**

6 If YOUR response to Propounding Party's Request for Admission No.
7 21 was anything less than an unqualified admission, produce each and
8 every DOCUMENT RELATING TO said response.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

10 Responding Party objects to this request for production as premature.
11 Because this request for production necessarily relies upon a contention,
12 Responding Party is unable to provide a complete response at this time, nor
13 is it required to do so.

14 Responding Party further objects to this request on the grounds that it
15 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
16 with reasonable particularity each item or category of items to be inspected."
17 Propounding Party's request for production does not describe an item or
18 category of items with reasonable particularity.

19 Responding Party further objects to the extent that this request for
20 production invades attorney-client privilege and/or violates the work product
21 doctrine by compelling Responding Party to disclose privileged
22 communications and/or litigation strategy. Responding Party will not provide
23 any such privileged information.

24 Responding Party further objects to this request on the grounds that
25 this information is equally available to the Requesting Party, and some of the
26 documents are publically available.

27 Subject to and without waiver of the foregoing objections, Responding
28

1 Party responds as follows:

2 Responding Party directs the Defendant to Plaintiff's previous
3 productions. For any responsive documents, not already produced in
4 Plaintiff's prior discovery responses, Plaintiff is producing such documents.
5 (Responsive documents are collectively attached hereto as Exhibit A).

6 Additionally, Responding Party notes that discovery is ongoing, and
7 this contention-based interrogatory is poorly defined and premature. Thus,
8 Responding Party reserves the right to amend this response at the
9 appropriate time in the future if necessary.

10

11 **REQUEST FOR PRODUCTION NO. 24:**

12 If YOUR response to Propounding Party's Request for Admission No.
13 22 was anything less than an unqualified admission, produce each and
14 every DOCUMENT in support of such denial.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

16 Responding Party objects to this request for production as premature.
17 Because this request for production necessarily relies upon a contention,
18 Responding Party is unable to provide a complete response at this time, nor
19 is it required to do so.

20 Responding Party further objects to this request on the grounds that it
21 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
22 with reasonable particularity each item or category of items to be inspected."
23 Propounding Party's request for production does not describe an item or
24 category of items with reasonable particularity.

25 Responding Party further objects to the extent that this request for
26 production invades attorney-client privilege and/or violates the work product
27 doctrine by compelling Responding Party to disclose privileged

28

1 communications and/or litigation strategy. Responding Party will not provide
2 any such privileged information.

3 Responding Party further objects to this request on the grounds that
4 this information is equally available to the Requesting Party, and some of the
5 documents are publically available.

6 Subject to and without waiver of the foregoing objections, Responding
7 Party responds as follows:

8 Responding Party directs the Defendant to Plaintiff's previous
9 productions. For any responsive documents, not already produced in
10 Plaintiff's prior discovery responses, Plaintiff is producing such documents.
11 (Responsive documents are collectively attached hereto as Exhibit A).

12 Additionally, Responding Party notes that discovery is ongoing, and
13 this contention-based interrogatory is poorly defined and premature. Thus,
14 Responding Party reserves the right to amend this response at the
15 appropriate time in the future if necessary.

16
17 **REQUEST FOR PRODUCTION NO. 25:**

18 If YOUR response to Propounding Party's Request for Admission No.
19 23 was anything less than an unqualified admission, produce each and
20 every DOCUMENT RELATING TO said response.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 25:**

22 Responding Party objects to this request for production as premature.
23 Because this request for production necessarily relies upon a contention,
24 Responding Party is unable to provide a complete response at this time, nor
25 is it required to do so.

26 Responding Party further objects to this request on the grounds that it
27 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
28

1 with reasonable particularity each item or category of items to be inspected.”
2 Propounding Party’s request for production does not describe an item or
3 category of items with reasonable particularity.

4 Responding Party further objects to the extent that this request for
5 production invades attorney-client privilege and/or violates the work product
6 doctrine by compelling Responding Party to disclose privileged
7 communications and/or litigation strategy. Responding Party will not provide
8 any such privileged information.

9 Responding Party further objects to this request on the grounds that
10 this information is equally available to the Requesting Party, and some of the
11 documents are publically available.

12 Subject to and without waiver of the foregoing objections, Responding
13 Party responds as follows:

14 Responding Party directs the Defendant to Plaintiff's previous
15 productions. For any responsive documents, not already produced in
16 Plaintiff’s prior discovery responses, Plaintiff is producing such documents.
17 (Responsive documents are collectively attached hereto as Exhibit A).

18 Additionally, Responding Party notes that discovery is ongoing, and
19 this contention-based interrogatory is poorly defined and premature. Thus,
20 Responding Party reserves the right to amend this response at the
21 appropriate time in the future if necessary.

22
23 **REQUEST FOR PRODUCTION NO. 26:**

24 If YOUR response to Propounding Party’s Request for Admission No.
25 24 was anything less than an unqualified admission, produce each and
26 every DOCUMENT RELATING TO said response.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

2 Responding Party objects to this request for production as premature.
3 Because this request for production necessarily relies upon a contention,
4 Responding Party is unable to provide a complete response at this time, nor
5 is it required to do so.

6 Responding Party further objects to this request on the grounds that it
7 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to “describe
8 with reasonable particularity each item or category of items to be inspected.”
9 Propounding Party’s request for production does not describe an item or
10 category of items with reasonable particularity.

11 Responding Party further objects to the extent that this request for
12 production invades attorney-client privilege and/or violates the work product
13 doctrine by compelling Responding Party to disclose privileged
14 communications and/or litigation strategy. Responding Party will not provide
15 any such privileged information.

16 Responding Party further objects to this request on the grounds that
17 this information is equally available to the Requesting Party, and some of the
18 documents are publically available.

19 Subject to and without waiver of the foregoing objections, Responding
20 Party responds as follows:

21 Responding Party directs the Defendant to Plaintiff's previous
22 productions. For any responsive documents, not already produced in
23 Plaintiff’s prior discovery responses, Plaintiff is producing such documents.
24 (Responsive documents are collectively attached hereto as Exhibit A).

25 Additionally, Responding Party notes that discovery is ongoing, and
26 this contention-based interrogatory is poorly defined and premature. Thus,
27 Responding Party reserves the right to amend this response at the
28

1 appropriate time in the future if necessary.

2
3
4 DATED: May 31, 2017

OTTEN LAW, PC

5
6
7 By: /s/Victor Otten

VICTOR OTTEN

KAVITA TEKCHANDANI

Attorneys for Plaintiffs

8
9 CORY SPENCER, DIANA MILENA
10 REED, and COASTAL PROTECTION
11 RANGERS, INC.
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE
Spencer, et al. v. Lunada Bay Boys, et al.
U.S.D.C. for the Central District of California
Case No. 2:16-cv-02129-SJO (RAOx)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is: 3620 Pacific Coast Highway, Suite 100, Torrance, CA 90505.

On June 5, 2017, I served the original or a true copy of the following document(s) described as:

PLAINTIFF DIANA MILENA REED'S RESPONSE TO SECOND SET OF REQUESTS FOR PRODUCTION PROPOUNDED BY DEFENDANT FRANK FERRARA

on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

X BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Hanson Bridgett LLP's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on **June 5, 2017**, at Torrance, California.

/s/ Victor Otten

Victor Otten

SERVICE LIST
Spencer, et al. v. Lunada Bay Boys, et al.
U.S.D.C. for the Central District of California
Case No. 2:16-cv-02129-SJO (RAOx)

Robert T. Mackey, Esq.	<i>(Attorneys for Defendant BRANT</i>
Peter H. Crossin, Esq.	<i>BLAKEMAN)</i>
Richard P. Dieffenbach, Esq.	
John P. Worgul, Esq.	<i>(served original)</i>
VEATCH CARLSON, LLP	
1055 Wilshire Blvd., 11th Floor	
Los Angeles, CA 90017	
Robert S. Cooper, Esq.	<i>(Attorneys for Defendant BRANT</i>
BUCHALTER NEMER, APC	<i>BLAKEMAN)</i>
1000 Wilshire Blvd., Suite 1500	
Los Angeles, CA 90017	<i>(served true copy)</i>
J. Patrick Carey, Esq.	<i>(Attorney for Defendant ALAN</i>
LAW OFFICES OF	<i>JOHNSTON a/k/a JALIAN</i>
J. PATRICK CAREY	<i>JOHNSTON)</i>
1230 Rosecrans Ave., Suite 300	
Manhattan Beach, CA 90266	<i>(served true copy)</i>
Peter T. Haven, Esq.	<i>(Attorney for Defendant MICHAEL</i>
HAVEN LAW	<i>RAY PAPAYANS)</i>
1230 Rosecrans Ave., Suite 300	
Manhattan Beach, CA 90266	<i>(served true copy)</i>
Dana Alden Fox, Esq.	<i>(Attorneys for Defendant SANG LEE)</i>
Edward E. Ward, Jr., Esq.	
Eric Y. Kizirian, Esq.	<i>(served true copy)</i>
Tera Lutz, Esq.	
LEWIS BRISBOIS	
BISGAARD & SMITH LLP	
633 W. 5th Street, Suite 4000	
Los Angeles, CA 90071	

1 Daniel M. Crowley, Esq. (Attorneys for Defendant SANG LEE)
2 BOOTH, MITCHEL &
3 STRANGE LLP (served true copy)
4 707 Wilshire Blvd., Suite 4450
Los Angeles, CA 90017

5 Mark C. Fields, Esq. (Attorney for Defendant ANGELO
6 LAW OFFICES OF FERRARA and Defendant N. F.
7 MARK C. FIELDS, APC appearing through Guardian Ad
8 333 South Hope Street, 35th Floor Litem, Leonora Ferrara)
9 Los Angeles, CA 90071
10 (served true copy)

11 Thomas M. Phillip, Esq. (Attorneys for Defendant ANGELO
12 Aaron G. Miller, Esq. FERRARA)
13 THE PHILLIPS FIRM
14 800 Wilshire Blvd., Suite 1550 (served true copy)
15 Los Angeles, CA 90017

16 Patrick Au, Esq. (Attorneys for Defendants FRANK
17 Laura L. Bell, Esq. FERRARA and CHARLIE FERRARA)
18 BREMER WHYTE
19 BROWN & O'MEARA, LLP (served true copy)
20 21271 Burbank Blvd., Suite 110
21 Woodland Hills, CA 91367

22 Edwin J. Richards, Esq. (Attorneys for Defendants CITY OF
23 Antoinette P. Hewitt, Esq. PALOS VERDES and CHIEF OF
24 Rebecca L. Wilson, Esq. POLICE JEFF KEPLEY)
25 Jacob Song, Esq.
26 Christopher D. Glos, Esq. (served true copy)
27 KUTAK ROCK LLP
28 5 Park Plaza, Suite 1500
Irvine, CA 92614-8595

Exhibit R

1 UNITED STATES DISTRICT COURT
 2 CENTRAL DISTRICT OF CALIFORNIA
 3 WESTERN DIVISION
 4 - - -

5 CORY SPENCER, AN INDIVIDUAL;)
 6 DIANA MILENA REED, AN)
 7 INDIVIDUAL; AND COASTAL)
 8 PROTECTION RANGERS, INC.,)
 9 A CALIFORNIA NON-PROFIT PUBLIC)
 10 BENEFIT CORPORATION,)

11 Plaintiffs,)

12 vs.)

13 No.: 2:16-cv-02129-SJO
 14 (RAOx)

15 LUNADA BAY BOYS; THE INDIVIDUAL)
 16 MEMBERS OF THE LUNADA BAY BOYS,)
 17 INCLUDING BUT NOT LIMITED TO)
 18 SANG LEE, BRANT BLAKEMAN, ALAN)
 19 JOHNSTON AKA JALIAN JOHNSTON,)
 20 MICHAEL RAE PAPAYANS, ANGELO)
 21 FERRARA, FRANK FERRARA,)
 22 CHARLIE FERRARA, ET AL.,)

23 Defendants.)

24 - - - - -)

25 VIDEOTAPED DEPOSITION OF

CHARLES FERRARA

IRVINE, CALIFORNIA

JULY 7, 2017

Atkinson-Baker, Inc.
 Court Reporters
 www.depo.com
 (800) 288-3376

REPORTED BY: ANGELIQUE MELODY FERRIO, CSR NO. 6979

FILE NO: AB06A33

1 UNITED STATES DISTRICT
2 COURT CENTRAL DISTRICT OF
3 CALIFORNIA WESTERN DIVISION
4 - - -
5
6 CORY SPENCER, AN INDIVIDUAL;)
7 DIANA MILENA REED, AN)
8 INDIVIDUAL; AND COASTAL)
9 PROTECTION RANGERS, INC.,)
10 A CALIFORNIA NON-PROFIT PUBLIC)
11 BENEFIT CORPORATION,)
12 Plaintiffs,)
13 vs.) No.: 2:16-cv-02129-SJO
14 (RAOx)
15 LUNADA BAY BOYS; THE INDIVIDUAL)
16 MEMBERS OF THE LUNADA BAY BOYS,)
17 INCLUDING BUT NOT LIMITED TO)
18 SANG LEE, BRANT BLAKEMAN, ALAN)
19 JOHNSTON AKA JALIAN JOHNSTON,)
20 MICHAEL RAE PAPAYANS, ANGELO)
21 FERRARA, FRANK FERRARA,)
22 CHARLIE FERRARA, ET AL.,)
23 Defendants.)
24 - - - - -)
25

Videotaped deposition of CHARLES FERRARA, taken
on behalf of the Plaintiffs, at Premier Business Center,
2600 Michelson Drive, Suite 1700, Irvine, California,
92612, commencing at 9:36 a.m., Friday, July 7, 2017,
before ANGELIQUE MELODY FERRIO, CSR No. 6979.

A P P E A R A N C E S

FOR THE PLAINTIFFS:

HANSON, BRIDGETT, LLP
BY: SAMANTHA WOLFF, ESQ.
425 Market Street
26th Floor
San Francisco, California 94105

FOR DEFENDANTS FRANK FERRARA AND CHARLIE FERRARA:

BREMER, WHYTE, BROWN & O'MEARA, LLP
BY: ALISON K. HURLEY, ESQ.
20320 S.W. Birch Street
Second Floor
Newport Beach, California 92660

FOR THE DEFENDANTS CITY OF PALOS VERDES
AND CHIEF OF POLICE JEFF KEPLEY:

KUTAK, ROCK, LLP
BY: CHRISTOPHER D. GLOS, ESQ.
5 Park Plaza
Suite 1500
Irvine, California 92614

FOR DEFENDANT SANG LEE:

BOOTH, MITCHEL & STRANGE, LLP
BY: JACKIE K. VU, ESQ.
707 Wilshire Boulevard
Suite 3000
Los Angeles, California 90017

1 APPEARANCES CONTINUED:

2
3 FOR DEFENDANT BRANT BLAKEMAN:

4 VEATCH, CARLSON, LLP
5 BY: RICHARD P. DIEFFENBACH, ESQ.
6 1055 Wilshire Boulevard
7 11th Floor
8 Los Angeles, California 90017

9 FOR THE DEFENDANT SANG LEE:

10 LEWIS, BRISBOIS, BISGAARD & SMITH, LLP
11 BY: KRISTIN A. MCLAUGHLIN, ESQ.
12 633 West 5th Street
13 Suite 4000
14 Los Angeles, California 90071

15 FOR DEFENDANT BRANT BLAKEMAN:

16 (BY TELEPHONE)
17 BUCHALTER, NEMER, APC
18 BY: ROBERT S. COOPER, ESQ.
19 1000 Wilshire Boulevard
20 Suite 1500
21 Los Angeles, California 90017

22 FOR DEFENDANT MICHAEL RAY PAPAYANS:

23 (BY TELEPHONE)
24 HAVEN LAW
25 BY: PETER T. HAVEN, ESQ.
1230 Rosecrans Avenue
Suite 300
Manhattan Beach, California 90266

1 APPEARANCES CONTINUED:

2
3 FOR THE DEFENDANT N.F.:

4
5 (BY TELEPHONE)
6 LAW OFFICES OF MARK C. FIELDS, APC
7 BY: MARK C. FIELDS, ESQ.
8 333 South Hope Street
9 35th Floor
10 Los Angeles, California 90071

11 ALSO PRESENT: GARY BOWDEN, VIDEOGRAPHER
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX

WITNESS: CHARLES FERRARA

EXAMINATION BY: PAGE

MS. WOLFF 10

EXAMINATION BY: PAGE

MR. GLOS 190

EXHIBITS

NUMBER DESCRIPTION PAGE

266 Plaintiffs' Notice of Deposition
of Defendant Charlie Ferrara
Dated June 15, 2017
Consisting of six pages 13

267 Transcription of recording
12823269.1
Consisting of seven pages 140

268 Xeroxed Colored Photograph
Consisting of one page 146

269 Xeroxed Colored Photograph
Consisting of one page 148

1		EXHIBITS CONTINUED:	
2			
3	270	Xeroxed Colored Photograph	151
4		Consisting of one page	
5			
6	271	Xeroxed Colored Photograph	153
7		Consisting of one page	
8			
9	272	Xeroxed Colored Photograph	155
10		Consisting of one page	
11			
12	273	Xeroxed Colored Photograph	156
13		Consisting of one page	
14			
15	274	Xeroxed Colored Photograph	178
16		Consisting of one page	
17			
18	275	Xeroxed Colored Photograph	182
19		Consisting of one page	
20			
21	276	Xeroxed Colored Photograph	186
22		Fort Structure in 2016	
23		Consisting of one page	
24	277	Xeroxed Black-And-White	189
25		Photograph	
		Consisting of one page	

1 INDEX CONTINUED:

2

3 QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER:

4 PAGE LINE

5

6 16 9

7 77 19

8 175 18

9 176 11

10

11

12 INFORMATION TO BE SUPPLIED:

13 PAGE LINE

14 (NONE)

15

16

17

18

19

20

21

22

23

24

25

1 IRVINE, CALIFORNIA, FRIDAY, JULY 7, 2017

2 9:36 A.M.

3 -000-

4 09:35:44

5 THE VIDEOGRAPHER: Good morning. I'm 09:35:45

6 Gary Bowden, your videographer. And I represent 09:35:47

7 Atkinson-Baker, Incorporated, in Glendale, 09:35:50

8 California. 09:35:50

9 I'm not financially interested in this action 09:35:53

10 nor am I a relative or employee of any attorney or 09:35:56

11 any of the parties. 09:36:00

12 The date is July 7, 2017. And the time is 09:36:02

13 9:36 a.m. This deposition is taking place at 09:36:07

14 Premiere Business Center, 2600 Michelson Drive, 09:36:12

15 Suite 1700, Irvine, California. 09:36:15

16 This is case number 2:16-cv-02129-SJO (RAOx) 09:36:19

17 entitled Spencer versus Lunada Bay Boys. The 09:36:33

18 deponent is Charles Ferrara. And this deposition is 09:36:38

19 being taken on behalf of the Plaintiffs. 09:36:44

20 Counsel will now please introduce themselves. 09:36:49

21 After all counsel present have introduced themselves, 09:36:52

22 the witness will be sworn in by the court reporter. 09:36:55

23 This is the beginning of D.V.D. one, 09:36:59

24 Volume One. The D.V.D. is running and we're now on 09:37:00

25 the record. 09:37:03

1 MS. WOLFF: Good morning. Samantha Wolff on 09:37:04
2 behalf of the Plaintiffs. 09:37:06

3 MS. HURLEY: Good morning. Alison Hurley on 09:37:07
4 behalf of the witness, Charles Ferrara. 09:37:09

5 MS. MCLAUGHLIN: Kristin McLaughlin for 09:37:11
6 Defendant Sang Lee. 09:37:11

7 MR. GLOS: Christopher Glos on behalf of the 09:37:13
8 City and Chief Kepley. 09:37:17

9 MR. FIELDS: On the phone is Mark Fields, 09:37:23
10 attorney for Angelo Ferrara and N.F. 09:37:26

11 MR. COOPER: Robert Cooper on behalf of the 09:37:30
12 Defendant Brant Blakeman. 09:37:32

13
14 CHARLES FERRARA,
15 having first been duly sworn, was
16 examined and testified as follows:

17
18 EXAMINATION

19 09:37:44

20 BY MS. WOLFF: 09:37:44

21 Q. Good morning. 09:37:45

22 A. Good morning. 09:37:45

23 Q. Are you represented by counsel today? 09:37:46

24 A. Yes. 09:37:48

25 Q. And who is your counsel? 09:37:49

1	A. Ms. Bacon -- sorry.	09:37:50
2	MS. HURLEY: That's okay. Tiffany Bacon	09:37:56
3	works in my office.	09:37:58
4	BY MS. WOLFF:	09:38:00
5	Q. Are there any other attorneys representing	09:38:00
6	you other than what you just mentioned?	09:38:03
7	A. No.	09:38:05
8	Q. Can you please spell your name for the	09:38:05
9	record.	09:38:06
10	A. Charles Michael Ferrara, C-h-a-r-l-e-s,	09:38:06
11	M-i-c-h-a-e-l, F-e-r-r-a-r-a.	09:38:08
12	Q. Thank you.	09:38:16
13	Have you ever had your deposition taken	09:38:17
14	before?	09:38:19
15	A. No.	09:38:19
16	Q. Have you ever signed any written documents	09:38:20
17	like a declaration under penalty of perjury before?	09:38:22
18	A. No.	09:38:25
19	Q. Have you ever testified in court before?	09:38:26
20	A. No.	09:38:28
21	Q. So, since you're sort of new to all of this,	09:38:28
22	I'll go over some ground rules. I'm sure that your	09:38:34
23	attorney probably went over some with you, but just	09:38:37
24	so that you understand how the process works.	09:38:39
25	Now, you're under oath which is the same oath	09:38:42

1	A. Thank you.	09:44:24
2	Q. Your uncle is Angelo Ferrara and he's a	09:44:24
3	Defendant in this lawsuit; is that correct?	09:44:27
4	A. Yes, Ma'am.	09:44:29
5	Q. And what does he do for a living?	09:44:29
6	A. Auto body and paint, it's a body shop.	09:44:31
7	Q. Is he also a shaper?	09:44:35
8	A. Yes, but he's in auto body. He's an auto	09:44:38
9	body, he fixes cars and paints them.	09:44:41
10	Q. And your cousin is N.F., and you understand	09:44:44
11	that we're using his initials because when he was	09:44:49
12	first named in this lawsuit, he was a minor at the	09:44:51
13	time?	09:44:54
14	A. Yes.	09:44:54
15	Q. And he's also a Defendant in this lawsuit; is	09:44:55
16	that correct?	09:44:58
17	A. Yes.	09:44:58
18	Q. And is Leo Ferrara N.F.'s brother?	09:44:59
19	A. Yes.	09:45:04
20	Q. So, other than the conversation that you've	09:45:04
21	had with your father in the presence of your	09:45:14
22	attorneys, have you had any other conversations with	09:45:18
23	other family members about this lawsuit?	09:45:20
24	A. No.	09:45:22
25	Q. And aside from you and Felipa, have any of	09:45:22

1 THE REPORTER: Counsel, do you want a copy
2 of the deposition?

3 MR. GLOS: Yes.

4 MS. VU: No.

5 MR. DIEFFENBACH: Yes.

6 MS. MCCLAUGHLIN: Yes.

7 MS. HURLEY: Yes.

8 MR. HAVEN: Yes.

9
10
11 (Whereupon, the deposition of
12 CHARLES FERRARA commenced at
13 9:36 a.m. and concluded at
14 1:40 p.m.)
15
16
17
18
19
20
21
22
23
24
25

1 STATE OF CALIFORNIA)
2)
3 COUNTY OF LOS ANGELES)
4
5

6 I, the undersigned, declare under penalty of
7 perjury that I have read the foregoing transcript, and I
8 have made any corrections, additions, or deletions that
9 I was desirous of making; that the foregoing is a true
10 and correct transcript of my testimony contained
11 therein.
12

13 EXECUTED this _____ day of _____,
14 20_____, at _____, _____.
15 (City) (State)
16
17
18
19

20 _____
21 CHARLES FERRARA
22
23
24
25

REPORTER'S CERTIFICATE

I, ANGELIQUE MELODY FERRIO, C.S.R. NO. 6979, a
Certified Shorthand Reporter, certify:

That the foregoing proceedings were taken
before me at the time and place therein set forth, at
which time the witness was put under oath by me;

That the testimony of the witness and all
objections made at the time of the examination were
recorded stenographically by me and were thereafter
transcribed;

That the foregoing is a true and correct
transcript of my shorthand notes so taken.

I further certify that I am not a relative or
employee of any attorney or of any of the parties, nor
financially interested in the action.

I declare under penalty of perjury under the
law of the State of California that the foregoing is
true and correct.

Dated this 7th day of July, 2017.

Angelique Melody Ferrio
CSR No. 6979

REPORTER'S CERTIFICATION OF CERTIFIED COPY

I, ANGELIQUE MELODY FERRIO, CSR No. 6979, a
Certified Shorthand Reporter in the State of California,
certify that the foregoing pages are a true and correct
copy of the original deposition of CHARLES FERRARA,
taken on Friday, July 7, 2017.

I declare under penalty of perjury under the
laws of the State of California that the foregoing is
true and correct.

Dated this 7th day of July, 2017.

Angelique Melody Ferrio
CSR No. 6979

Exhibit S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

- - -

CORY SPENCER, AN INDIVIDUAL;)
DIANA MILENA REED, AN)
INDIVIDUAL; AND COASTAL)
PROTECTION RANGERS, INC.,)
A CALIFORNIA NON-PROFIT PUBLIC)
BENEFIT CORPORATION,)

Plaintiffs,)

vs.)

No.: 2:16-cv-02129-SJO
(RAOx)

LUNADA BAY BOYS; THE INDIVIDUAL)
MEMBERS OF THE LUNADA BAY BOYS,)
INCLUDING BUT NOT LIMITED TO)
SANG LEE, BRANT BLAKEMAN, ALAN)
JOHNSTON AKA JALIAN JOHNSTON,)
MICHAEL RAE PAPAYANS, ANGELO)
FERRARA, FRANK FERRARA,)
CHARLIE FERRARA, ET AL.,)

Defendants.)

-----)

VIDEOTAPED DEPOSITION OF
SANG LEE
COSTA MESA, CALIFORNIA
MAY 31, 2017

Atkinson-Baker, Inc.
Court Reporters
www.depo.com
(800) 288-3376

REPORTED BY: ANGELIQUE MELODY FERRIO, CSR NO. 6979

FILE NO: AB05A10

1 UNITED STATES DISTRICT COURT
 2 CENTRAL DISTRICT OF CALIFORNIA
 3 WESTERN DIVISION
 4 - - -

5 CORY SPENCER, AN INDIVIDUAL;)
 6 DIANA MILENA REED, AN)
 7 INDIVIDUAL; AND COASTAL)
 8 PROTECTION RANGERS, INC.,)
 9 A CALIFORNIA NON-PROFIT PUBLIC)
 10 BENEFIT CORPORATION,)

11 Plaintiffs,)

12 vs.)

13 No.: 2:16-cv-02129-SJO
 14 (RAOx)
 15)

16 LUNADA BAY BOYS; THE INDIVIDUAL)
 17 MEMBERS OF THE LUNADA BAY BOYS,)
 18 INCLUDING BUT NOT LIMITED TO)
 19 SANG LEE, BRANT BLAKEMAN, ALAN)
 20 JOHNSTON AKA JALIAN JOHNSTON,)
 21 MICHAEL RAE PAPAYANS, ANGELO)
 22 FERRARA, FRANK FERRARA,)
 23 CHARLIE FERRARA, ET AL.,)

24 Defendants.)
 25 - - - - -)

26 Videotaped deposition of SANG LEE, taken on
 27 behalf of the Plaintiffs, at 3420 Bristol Street,
 28 Sixth Floor, Costa Mesa, California, 92626, commencing
 29 at 9:03 a.m., Wednesday, May 31, 2017, before
 30 ANGELIQUE MELODY FERRIO, CSR No. 6979.

A P P E A R A N C E S

FOR THE PLAINTIFFS:

HANSON, BRIDGETT, LLP
BY: LISA M. POOLEY, ESQ.
AND VICTOR OTTEN, ESQ.
425 Market Street
26th Floor
San Francisco, California 94105

FOR THE DEFENDANTS:

BOOTH, MITCHEL & STRANGE, LLP
BY: DANIEL M. CROWLEY, ESQ.
707 Wilshire Boulevard
Suite 3000
Los Angeles, California 90017

LEWIS, BRISBOIS, BISGAARD & SMITH, LLP
BY: EDWARD E. WARD, JR., ESQ.
633 West 5th Street
Suite 4000
Los Angeles, California 90071

BREMER, WHYTE, BROWN & O'MEARA, LLP
BY: TIFFANY L. BACON, ESQ.
20320 S.W. Birch Street
Second Floor
Newport Beach, California 92660

VEATCH, CARLSON, LLP
BY: RICHARD P. DIEFFENBACH, ESQ.
1055 Wilshire Boulevard
11th Floor
Los Angeles, California 90017

1 APPEARANCES CONTINUED:

2
3 KUTAK, ROCK, LLP
4 BY: ANTOINETTE P. HEWITT, ESQ.
5 5 Park Plaza
6 Suite 1500
7 Irvine, California 92614

8 (BY TELEPHONE)
9 BUCHALTER, NEMER, APC
10 BY: ROBERT S. COOPER, ESQ.
11 1000 Wilshire Boulevard
12 Suite 1500
13 Los Angeles, California 90017
14 (213) 891-0700

15 (BY TELEPHONE)
16 HAVEN LAW
17 BY: PETER T. HAVEN, ESQ.
18 1230 Rosecrans Avenue
19 Suite 300
20 Manhattan Beach, California 90266
21 (310) 272-5353

22 (BY TELEPHONE)
23 LAW OFFICES OF MARK C. FIELDS, APC
24 BY: MARK C. FIELDS, ESQ.
25 333 South Hope Street
35th Floor
Los Angeles, California 90071

ALSO PRESENT:

Barbra Westmore, Videographer

1 INDEX

2
3 WITNESS: SANG LEE4
5 EXAMINATION BY: PAGE

6 MS. POOLEY 10

7
8 EXAMINATION BY: PAGE

9 BY MS. BACON 293

10
11
12
13 EXHIBITS14
15 NUMBER DESCRIPTION PAGE16
17 221 Plaintiffs' Notice of Deposition 17
18 of Defendant Sang Lee
19 Dated May 19, 2017
20 Consisting of seven pages21
22 222 Memo From Sang Lee 88
23 To John Camplin
24 Dated 1/8/2011
25 Lee 00000001 - Lee 00000003
Consisting of three pages

1		EXHIBITS CONTINUED:	
2			
3	223	Memo From Sang Lee	140
4		To Ringer Surfboards	
5		Dated 1/10/2011	
6		Lee 00000015	
7		Consisting of one page	
8			
9	224	Memo From Sang Lee	158
10		To Zen Del Rio	
11		Dated 1/16/2011	
12		Lee 00000591	
13		Consisting of one page	
14			
15	225	Memo From Charlie Mowat	166
16		To Sang Lee	
17		Dated 1/16/2014	
18		Lee 00000595	
19		Consisting of one page	
20			
21	226	Memo From Charlie Mowat	172
22		To Andy Patch	
23		Dated 1/17/2014	
24		Lee 00000596	
25		Consisting of one page	
	227	Memo From Sang Lee	177
		To Yoaks Wagon	
		Dated 1/17/2014	
		Lee 00000014	
		Consisting of one page	

1 COSTA MESA, CALIFORNIA, WEDNESDAY, MAY 31, 2017

2 9:03 A.M.

3 -000-

4 09:02:39

5 THE VIDEOGRAPHER: Good morning. We're on 09:02:39

6 the record. My name is Barbra Westmore, your 09:02:48

7 videographer. 09:02:51

8 And I represent Atkinson-Baker, Inc., located 09:02:51

9 in Glendale, California. The date is May 31, 2017, 09:02:55

10 and the time is 9:03 a.m. 09:02:59

11 This deposition is taking place at 09:03:02

12 3420 Bristol Street in Costa Mesa, California. The 09:03:05

13 case number is 2:16-CV-02129-SJO, in the matter 09:03:09

14 entitled Corey Spencer versus Lunada Bay Boys. 09:03:19

15 The witness is Sang Lee. And this deposition 09:03:24

16 is being taken on behalf of the Plaintiffs. Your 09:03:26

17 court reporter is Angelique Ferrio. 09:03:29

18 Would counsel please state their appearances 09:03:32

19 for the record. 09:03:34

20 MS. POOLEY: Lisa Pooley, Hansen Bridgett on 09:03:35

21 behalf of the Plaintiff. 09:03:38

22 MR. CROWLEY: Daniel Crowley of Booth, 09:03:39

23 Mitchel & Strange on behalf of Mr. Lee. 09:03:43

24 MR. WARD: Edward Ward, Junior, of Lewis, 09:03:43

25 Brisbois on behalf of Mr. Lee as well. 09:03:45

1 MS. BACON: Tiffany Bacon with Bremer, Whyte, 09:03:48
2 Brown & O'Meara on behalf of Frank Ferrara and 09:03:50
3 Charlie Ferrara. 09:03:52
4 MR. DIEFFENBACH: Richard Dieffenbach for 09:03:52
5 Mr. Brant Blakeman, the Defendant. 09:03:54
6 And I'm getting E-Mails from the woman that 09:03:55
7 just came to the door saying that several of the 09:03:58
8 other attorneys are calling in unsuccessfully and 09:04:00
9 can't hook in, Ms. Hewitt, Mr. Fields, and 09:04:03
10 Mr. Cooper. 09:04:07
11 MS. POOLEY: The phone here indicates that 09:04:14
12 the number is (949) 330-7004. 09:04:17
13 MR. DIEFFENBACH: It's 330-7004. Let me text 09:04:23
14 these people to tell them. 09:04:28
15 BY MS. POOLEY: 09:05:13
16 Q. Mr. Lee, I represent Plaintiffs Corey 09:05:13
17 Spencer, Diana Milena Reed, and the Costal Protection 09:05:17
18 Rangers, Inc., in this lawsuit that they filed 09:05:21
19 against Lunada Bay Boys and the individual members, 09:05:24
20 including you, as well as the City of Palos Verdes 09:05:27
21 Estates and Police Chief Jeff Kepley. 09:05:30
22 Are you represented today by counsel? 09:05:33
23 A. Yes. 09:05:36
24 Q. And who is representing you today? 09:05:38
25 A. Mr. Dan and Ed. 09:05:39

1 Q. Have you ever had your deposition taken 09:05:47
2 before? 09:05:50

3 A. No, Ma'am. 09:05:50

4 Q. Have you ever signed any written statements 09:05:51
5 such as a declaration or affidavit related to any 09:05:56
6 litigation? 09:06:00

7 A. What do you mean? 09:06:01

8 Q. Have you ever signed any documents under 09:06:02
9 oath? 09:06:06

10 A. No, Ma'am. 09:06:06

11 Q. And have you ever testified at a trial? 09:06:07

12 A. No. 09:06:11

13 Q. Have you ever given sworn testimony in any 09:06:12
14 case? 09:06:17

15 A. Sworn testimony? 09:06:17

16 Q. In any matter, excuse me. 09:06:18

17 A. No, Ma'am. 09:06:24

18 MS. POOLEY: Which reminds me, perhaps we
19 should swear in the witness.

20

21 SANG LEE,

22 having first been duly sworn, was

23 examined and testified as follows:

24

25

EXAMINATION

BY MS. POOLEY:

Q. Has the testimony that you've already given been truthful?

A. Yes, Ma'am.

Q. Okay. So, you've been placed under oath. And it's the same oath that you would take if you were testifying in a courtroom in front of a judge or a jury.

And it has the same force or effect -- force and effect as if you were testifying in that setting; do you understand that?

A. Yes, Ma'am.

Q. Okay. The court reporter as she explained a little bit before we got started is going to take down everything that is said. The questions that I ask, your answers, any objections that are made.

And it's important that we try to have one person talk at a time so that the record is clear.

So, I will ask that you try to wait until I finish the question before you start your answer. And I will try to wait for you to finish your answer before I ask my next question; all right?

A. Okay.

1	A. Yes.	16:31:31
2	Q. Were you actually on the boat during that	16:31:31
3	time?	16:31:33
4	A. No. We were on the cliff.	16:31:33
5	Q. Did you witness the ashes being spread?	16:31:35
6	A. No. He was very far away. The boat was very	16:31:38
7	far away.	16:31:41
8	Q. Okay. Do you know exactly how far out the	16:31:41
9	boat was?	16:31:44
10	A. It was pretty far.	16:31:45
11	Q. Could you estimate or would that be a guess?	16:31:47
12	A. It would be a guess. I think it was -- it	16:31:51
13	was a long time, like in 1984 so.	16:31:59
14	Q. And you also testified earlier that Frank	16:32:03
15	Ferrara was one of the, quote-unquote, older boys as	16:32:05
16	referenced in the E-Mails, meaning, as you stated,	16:32:08
17	he's just been surfing at Lunada Bay longer than you;	16:32:13
18	do you recall that testimony?	16:32:17
19	A. Yes.	16:32:18
20	Q. And you also testified that he has never told	16:32:19
21	you to behave in any certain way when it comes to	16:32:22
22	actions at Lunada Bay?	16:32:25
23	A. Absolutely not, yeah.	16:32:26
24	Q. Have you ever had any communications with	16:32:28
25	Frank Ferrara about preventing persons from visiting	16:32:34

1	Lunada Bay?	16:32:38
2	A. Absolutely not.	16:32:39
3	Q. What about preventing persons from surfing at	16:32:40
4	Lunada Bay?	16:32:43
5	A. Absolutely not.	16:32:44
6	Q. Have you ever had any communications with	16:32:45
7	Charlie Ferrara about preventing any person from	16:32:47
8	surfing at Lunada Bay?	16:32:49
9	A. Absolutely not.	16:32:50
10	Q. Have you ever had any communications with	16:32:50
11	Charlie Ferrara about preventing any persons from	16:32:52
12	visiting Lunada Bay?	16:32:54
13	A. Absolutely not.	16:32:56
14	Q. Have you ever witnessed Charlie Ferrara ever	16:32:58
15	attempt to prevent somebody from visiting Lunada Bay?	16:33:18
16	A. Absolutely not.	16:33:22
17	Q. And what about surfing at Lunada Bay?	16:33:23
18	A. Absolutely not.	16:33:25
19	Q. The same questions for Frank.	16:33:27
20	Have you ever witnessed Frank ever try to	16:33:27
21	attempt to prevent anybody from surfing at Lunada	16:33:29
22	Bay?	16:33:30
23	A. Absolutely not.	16:33:30
24	Q. What about visiting Lunada Bay?	16:33:32
25	A. Absolutely not.	16:33:35

1 MS. BACON: Those are all of the questions 16:33:37
2 that I have. Thank you. 16:33:38
3 MR. CROWLEY: Anybody else in the room? 16:33:39
4 Anybody on the phone? 16:33:42
5 Going once, going twice. 16:33:46
6 MS. POOLEY: Thank you, Mr. Lee. 16:33:51
7 THE WITNESS: Thanks. 16:33:53
8 MS. POOLEY: We may see you again. 16:33:54
9 THE REPORTER: Did you want a copy of the 16:33:54
10 transcript? 16:33:54
11 MR. CROWLEY: Yes, please. 16:34:04
12 MR. DIEFFENBACH: Copy, please. 16:34:11
13 MR. HAVEN: This is Peter Haven on the phone, 16:34:12
14 I would like a copy of the transcript. 16:34:19
15 MS. BACON: Copy of the transcript. 16:34:21
16 MS. HEWITT: Copy of the transcript. 16:34:24
17 THE VIDEOGRAPHER: This concludes the 16:34:33
18 deposition of Sang Lee. The time is 4:34 p.m. and 16:34:34
19 we're off the record. 16:34:38
20 MR. DIEFFENBACH: And I'll take a rough, 16:35:30
21 please.
22 (Whereupon, the deposition
23 of Sang Lee commenced at
24 9:03 a.m. and concluded at
25 4:34 p.m.)

1 STATE OF CALIFORNIA)
2)
3 COUNTY OF LOS ANGELES)
4
5

6 I, the undersigned, declare under penalty of
7 perjury that I have read the foregoing transcript, and I
8 have made any corrections, additions, or deletions that
9 I was desirous of making; that the foregoing is a true
10 and correct transcript of my testimony contained
11 therein.
12

13 EXECUTED this _____ day of _____,
14 20_____, at _____, _____.
15 (City) (State)
16
17
18
19

20 _____
21 SANG LEE
22
23
24
25

REPORTER'S CERTIFICATE

I, ANGELIQUE MELODY FERRIO, C.S.R. NO. 6979, a
Certified Shorthand Reporter, certify:

That the foregoing proceedings were taken
before me at the time and place therein set forth, at
which time the witness was put under oath by me;

That the testimony of the witness and all
objections made at the time of the examination were
recorded stenographically by me and were thereafter
transcribed;

That the foregoing is a true and correct
transcript of my shorthand notes so taken.

I further certify that I am not a relative or
employee of any attorney or of any of the parties, nor
financially interested in the action.

I declare under penalty of perjury under the
law of the State of California that the foregoing is
true and correct.

Dated this 1st day of June, 2017.

Angelique Melody Ferrio
CSR No. 6979

REPORTER'S CERTIFICATION OF CERTIFIED COPY

I, ANGELIQUE MELODY FERRIO, CSR No. 6979, a
Certified Shorthand Reporter in the State of California,
certify that the foregoing pages are a true and correct
copy of the original deposition of SANG LEE, taken on
Wednesday, May 31, 2017.

I declare under penalty of perjury under the
laws of the State of California that the foregoing is
true and correct.

Dated this 1st day of June, 2017.

Angelique Melody Ferrio
CSR No. 6979

PROOF OF SERVICE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 20320 S.W. Birch Street, Second Floor, Newport Beach, California 92660.

On July 24, 2017, I served the within document(s) described as:

DECLARATION OF TIFFANY BACON IN SUPPORT OF FRANK FERRARA'S
MOTION FOR SUMMARY JUDGMENT OR, IN ALTERNATIVE, PARTIAL SUMMARY
JUDGMENT

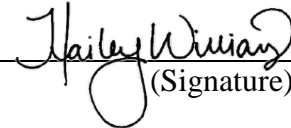
on the interested parties in this action as stated on the attached mailing list.

☒ (BY ELECTRONIC SERVICE) Complying with Code of Civil Procedure § 1010, I caused such document(s) to be Electronically Filed and Served through the _for the above-entitled case. Upon completion of transmission of said document(s), a filing receipt is issued to the filing party acknowledging receipt, filing and service by 's system. A copy of the [Email receipt System] filing receipt page will be maintained with the original document(s) in our office.

Executed on July 24, 2017, at Newport Beach, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Hailey Williams
(Type or print name)


(Signature)

Cory Spencer v. Lunada Bay Boys et al.,

Case No. 2:16-cv-2129-SJO

BWB&O CLIENT: Frank and Charlie Ferrara
BWB&O FILE NO.: 1178.176

SERVICE LIST

<p>Samantha Wolff, Esq. HANSON BRIDGETT 425 Market Street 26th Floor San Francisco, CA 94105 (415) 777-3200 (415) 541-9366 Fax Attorneys For PLAINTIFF</p> <p>swolff@hansonbridgett.com kfranklin@hansonbridgett.com</p>	<p>Tyson M. Shower, Esq. HANSON BRIDGETT 500 Capitol Mall Suite 1500 Sacramento, CA 95814 (916) 442-3333 (916) 442-2348 Fax Attorneys For PLAINTIFFS</p> <p>tshower@hansonbridgett.com</p>	<p>Victor Otten, Esq. OTTEN LAW, PC 3620 Pacific Coast Highway Suite 100 Torrance, CA 90505 (310) 378-8533 (310) 347-4225 Fax Attorneys For PLAINTIFFS</p> <p>vic@ottenlawpc.com</p>
<p>Jacob Song, Esq. KUTAK ROCK LLP 5 Park Plaza Suite 1500 Irvine, CA 92614 (949) 417-0999 (949) 417-5639 Attorney For CITY OF PALOS VERDES ESTATES and JEFF KEPLEY, in his representative capacity, serves as the Chief of Police Department of Defendant City of Palos Verdes Estates.</p> <p>jacob.song@kutakrock.com</p>	<p>J. Patrick Carey, Esq. LAW OFFICE OF PATRICK CAREY 1230 Rosecrans Avenue Suite 270 Manhattan Beach, CA 90266 (310) 526-2237 (310) 356-3671 Fax Attorney For ALAN JOHNSTON individual member of LUNADA BAY BOYS aka JALIAN JOHNSTON</p> <p>pat@patcareylaw.com</p>	<p>Aaron G. Miller, Esq. THE PHILIPS FIRM 800 Wilshire Boulevard Suite 1550 Los Angeles, CA 90017 (213) 244-9913 (213) 244-9915 Fax Attorneys For ANGELO FERRARA</p> <p>amiller@thephillipsfirm.com</p>
<p>Mark Fields, Esq. LAW OFFICES OF MARK C. FIELDS 333 So. Hope Street Suite 3500 Los Angeles, CA 90071 (213) 617-5225 (213) 629-2420 Fax Attorney For ANGELO FERRARA an individual member of LUNADA BAY BOYS and N.F. an individual member of LUNADA BAY BOYS</p> <p>fields@markfieldslaw.com</p>	<p>Peter R. Haven, Esq. HAVEN LAW 1230 Rosecrans Avenue Suite 300 Manhattan Beach, CA 90266 (310) 272-5353 (213) 477-2137 Fax Attorneys For MICHAEL RAY PAPAYANS</p> <p>peter@havenlaw.com</p>	<p>Dana Alden Fox, Esq. LEWIS BRISBOIS BISGAARD & SMITH, LLP 633 W. 5th Street Site 4000 Los Angeles, CA 90071 (213) 580-3858 (213) 250-7900 Fax Attorneys For SANG LEE</p> <p>Dana.Fox@lewisbrisbois.com</p>